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Contents — Sommaire

The Correctional System of Ceylon	317
—S. J. Jegasothy	
Prevention and Treatment of Juvenile Delinquency in India	324
—R. S. Rastogi	
Corrections in Israel	342
—Zvi Hermon	
Treatment of Offenders in Norway	358
—Norwegian Joint Committee on International Social Policy	
The Soviet Criminal Law and System of Corrections	363
—N. D. Durmanov	
The Spanish Penitentiary System	369
—Amancio Tomé	
Book Reviews	380

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The Correctional System of Ceylon – A Descriptive Survey

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The correctional system of Ceylon is based largely on the system obtaining in the United Kingdom and is similar in scope and extent. Prevention of crime and treatment of the offender are the two main objects of this system, while due provision is made for the protection of society against disruption by criminal activities.

For the purposes of a descriptive account of the system, the subject may be divided into four main sections, viz., the maintenance of law and order, the treatment of offenders, training of personnel, and research.

The Maintenance of Law and Order

Police Organization

The Police Service is a Department of the Central Government and is in charge of an Inspector General who has over-all administrative and supervisory control over the activities of the Department. The island is divided into ranges and these again are subdivided into divisions for the purpose of administrative control. The Criminal Investigation Section is a separate section having all-island coverage. Each of the ranges and the Criminal Investigation Department are under the direct supervision of a Deputy Inspector-General. Each of the divisions is in charge of a Superintendent. The full staff strength of the Department (in 1958) consisted of 9,064 officers of all ranks from inspector general to constables. Established under the Police Ordinance, the force forms part of the civil establishment of the island and the general conditions of service are those enjoyed by the other branches of the government service. For ceremonial and emergency use the force is provided with firearms but arms are not carried on normal police duties. An auxiliary police service is available for use in emergency situations. In addition to their normal police duties they also perform some preventive functions such as traffic demonstrations, anticrime work in the form of talks and films and the running of a few boys' clubs.

Arrest and Production Before Court

The laws of the island empower the police to arrest and produce before court persons committing cognizable offences with or without warrant as provided for in the Criminal Procedure Code. Private persons may also arrest and produce before court offenders under certain circumstances as provided by law, but they generally hand over such persons to a police officer who would normally launch all prosecutions. All persons arrested for any reason whatever must be produced before a magistrate within twenty-four hours, to be dealt with according to law. The law of habeas corpus operates and any person detained in custody may apply to the Supreme Court for a writ.

Judicial Organization

This is based largely on the United Kingdom system and there are two types of courts exercising criminal jurisdiction in the island—the Supreme Court which has original as well as appellate jurisdiction and the lower courts called the District Court and the Magistrates Court. Very small offences in the rural areas can be heard by the Rural Courts which have very limited jurisdiction and from which appeals may be preferred to the District Court. The Magistrates Court is primarily a court of summary jurisdiction and there is at least one court for each of the judicial divisions into which the island is divided. The Supreme and the District Courts have both criminal and civil jurisdiction, whereas the Magistrates Court has only criminal jurisdiction, minor civil matters being heard in the Court of Requests. The Supreme Court when exercising original jurisdiction is composed of one judge and a jury, when exercising appellate jurisdiction has a bench of three judges. The District Court is composed of one judge, and the Magistrates Court is presided over by one stipendiary magistrate. Judges and magistrates are appointed and controlled in the manner prescribed by law. The conduct of criminal proceedings is governed by the Criminal Procedure Code and the Law of Evidence. There is no differentiation on the basis of race or sex in the administration of justice in any court. Lawyers may appear and plead on behalf of their clients in all these courts.

Law

The Criminal Law of the land is codified, and procedure is based on the United Kingdom legal system. The basic underlying concepts are that a man is not guilty until he is proved to be so and that justice must not only be done but must appear to be done as well. In other words there must be a fair trial by an impartial judiciary. The criminal law consists mainly of the following codes: The Penal Code, the Criminal Procedure Code and the Law of Evidence. In addition there are several

ordinances dealing with special classes of offenders or special modes of treatment such as the Youthful Offenders Training School Ordinance, the Children and Young Persons Ordinance, the Probation of Offenders Ordinance and the Payment of Fines Ordinance.

Treatment of Offenders

The following are the main punishments applicable to adult offenders: imprisonment, fines, death, corporal punishment, forfeiture, payment of compensation, release on good behaviour bonds, supervision by the police, probation and penalties prescribed by statutes of various kinds (e.g. traffic regulations).

Methods of Treatment

Prisons—The administration of prisons is the function of the Prison Department, which is a Department of the Central Government and is in charge of a Commissioner. There is one Deputy Commissioner. Each large prison is generally in charge of a Superintendent and each small prison has an Assistant Superintendent in charge. There are fifteen prisons situated in different parts of the island. One of these is an open camp type institution for selected prisoners. This experiment which was started eight years ago has proved extremely successful. Only two prisoners have escaped during this period and only two have reverted to crime. Three other successful experiments of this kind have been tried out on farms close to existing prisons. The entire staff of this Department numbers 2,098 officers of various grades. This staff is part of the civil establishment of the island and the general conditions of service are those enjoyed by other government officers.

Conditions and Facilities—The general policy governing conditions in prisons is that as far as is practicable all prisoners irrespective of race or religion shall receive treatment in keeping with the mode of life to which they were accustomed before their imprisonment. This policy applies to all aspects including diet and clothing. In regard to labour the allocation of tasks is also governed by such considerations as physical capacity, past experience, aptitude, etc. Prisoners are daily visited by medical officers and other medical staff. Where adequate treatment cannot be given in the prison sick prisoners are removed to civil hospitals for treatment.

Vocational Training—Eighty-five per cent of inmates of the prisons are there for short terms of imprisonment only and so they cannot benefit from any vocational training. The long-term prisoners are, however, taught agriculture and trades.

The Penal Code provides that all imprisonment must be either simple or rigorous. A prisoner sentenced to simple imprisonment generally performs light duties such as sweeping, water carrying, etc. within the prison but is not generally employed in work outside the prison. Persons sentenced to rigorous imprisonment may be required to undertake any recognized form of manual labour either within or outside the prison.

Prisoners are employed on carpentry, tailoring, blacksmithing, tin-smithing, shoemaking, laundry work, mat making, rope making, quarrying, brick making, lime burning, agriculture, general labour, etc. These trades are made use of not merely as labour but also as training for the prisoners so that when they leave prison they will be equipped to earn a living in the world outside.

Regime and Discipline—Prisoners are normally unlocked at day break and after morning meal labour gangs are formed and distributed for work. The evening meal is served about an hour before sunset and by sunset all prisoners are back in their cells or dormitories. For the commission of prison offences (as laid down by the Prison Ordinance) the following punishments are prescribed: forfeiture of remission marks, detention or reduction in class, forfeiture of privileges or promotions, confinement in punishment cells, solitary confinement, additional imprisonment, additional labour and corporal punishment.

Special Privileges

Wage System—The prisoners receive a small wage for work done, which they can use or accumulate for future use. Those whose conduct has been particularly meritorious may be employed as instructors in workshops or other similar duties. They receive an additional wage for such duties.

Welfare Activities—Religious ministrations, educational classes, recreational and library facilities and scouting for young prisoners are made available for prisoners and they are encouraged to participate in all these welfare activities. There is a Prison Visiting Committee consisting of members appointed by the Minister of Home Affairs who act as advisors to the Prison Commissioner and also perform certain statutory functions.

The Remission System—Remission of sentence may be earned for good conduct and prisoners may also be released on licence in the care of parole officers prior to the expiration of their sentences on certain conditions.

After Care—There is an after care service undertaken on a voluntary basis with state assistance and aims at resettlement of the prisoners by the grant of financial aid and personal assistance. The nucleus of a State Welfare Service consisting of fifteen officers has been recently organized whose functions will be the investigation, study and rehabilitation on release of prisoners.

Borstal

There are two borstal institutions in the island for youthful offenders. One is an open borstal, the other a closed one for more mature type of offenders. The system is modelled on the United Kingdom borstal system and follows the same pattern of treatment. Classification is made on a systematic basis of observations carried out during the period of three months following admission and on known previous history, and treatment is generally based on this classification. Educational classes, religious instruction, vocational training, scouting and sports activities, and character training based on the principles of casework and group work are undertaken. Premature release on licence is provided for in law and is often used in selected cases. A voluntary after care association exists for the rehabilitation of offenders released from borstal.

The Probation Service

The Probation Service forms part of the Department of Probation and Child Care Services, which is a Department of the Central Government in charge of a Commissioner. The Service consists of 109 probation officers and seven divisional officers. These officers are part of the Civil Establishment of the island and conditions of service are the same as for all other government officers. The Service covers all the judicial divisions of the island. The officers are given a short in-service training before they start work and are given, in addition, refresher courses annually. They undertake not only the normal duties of investigation and supervision of those offenders (adult and juvenile) released on probation but also of children in need of care and protection under the Children and Young Persons Ordinance. They also do all non-institutional child care work such as after care and adoption inquiries, and the after care of prisoners and borstal lads, and matrimonial conciliation.

These 109 officers carry an average probation case load of about 4,000 cases per year and do about 2,500 fresh inquiries per year. The average percentage of successful completion of cases has been about seventy-seven per cent.

Juvenile Offenders

For the adjudication of juvenile offenders, Juvenile Courts have been instituted throughout the island. They sit wherever possible in separate buildings. The normal stipendiary magistrate functions as a children's magistrate on one day of the week. There is, however, one full time children's magistrate serving about four courts in and around the principal city of the island. These Juvenile Courts as well as the Remand Homes (three state and several voluntary) and Training Schools (five state, one voluntary, called Certified and Approved Schools respectively) are established under the Children and Young Persons Ordinance. The courts are under the jurisdiction of the Ministry of Justice and the Remand Homes and Schools under the Department of Probation and Child Care Services. The Children and Young Persons Ordinance is an almost exact copy of the United Kingdom Children and Young Persons Act of 1907 and provides for the pre-sentence investigation of offenders by probation officers and for their treatment either on probation or in training schools. Remand Homes serve to detain these offenders as they cannot be detained in adult prisons and also to serve as observation centres for study and report to court as to best method of disposal.

The Remand Homes and Certified Schools are run on the same pattern as in the United Kingdom, provision being made in these institutions for technically qualified staff to observe and treat the inmates.

In the schools, religious and moral instruction, vocational training in carpentry, masonry, tailoring, agriculture, etc. and recreational activities are provided, and rehabilitation is carried out based on casework and group work principles. Discipline is maintained through personal influence of the staff and a "Marks System" of defaults for bad conduct. During 1958, 465 children went through these five certified schools and 813 children through the Remand Homes.

Children from these schools (where the sentence is three years) can be released on licence, provided they are carefully selected, before the expiry of this period. An After Care Service manned by probation officers, looks after both licencees and dischargees from these institutions, enabling them to settle down in their homes and obtain a means of living. This combination of Probation and Child Care Services in one Department where the probation officers serve as child care officers as well, was a new experiment tried out in Ceylon and has so far proved satisfactory.

Training and Research and Special Services

Each Department viz. the Police, Prisons and Probation has its own scheme of in-service training for its personnel. Research has been conducted sometimes jointly by these three Departments, as in the two

studies on homicide and juvenile delinquents on probation and sometimes by each Department separately as in the study of condemned prisoners done by the Prisons Department and the four studies on epilepsy as a cause of delinquency; characteristics of children in institutions; abscondence from probation and institutions and social resources done by the Probation and Child Care Department.

A Psychiatric Service is provided both in the Prisons and Probation and Child Care Departments for diagnosis and treatment. The Probation and Child Care Department publishes a journal twice a year and also has a good library and several good films on delinquency and allied subjects.

The above is only a very brief account of the correctional services available in Ceylon. It will not be possible for a more detailed description of these Services to be given in a short article of this nature. It is hoped however, that what has been written will be of some little value to readers in your country.

Appendix

Total population of Ceylon, 1958	9,165,000
Total number of grave crimes committed in 1958	
(police figures)	19,944
Total number of convicted prisoners in 1958	7,826
Total number of unconvicted prisoners	20,721
Total number of prisoners released on probation in 1958	
(juveniles 345)	1,399
Total number of juveniles admitted into institutions in 1958:	
Certified Schools (state)	248
Remand Homes (state)	750

Cet article est une étude compréhensive du système de correction au Ceylan.

Prevention and Treatment Of Juvenile Delinquency in India

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So far, no systematic study has been made of the causation of juvenile delinquency in India. Consequently, complete statistics are not available to judge the extent of the problem accurately. The only statistics available are from the annual Administration Reports of the Juvenile Branches of the States of Bombay and Madras, and recently Andhra Pradesh; the reports of the various Children's Aid Societies and the annual Administration Reports of Certified Schools and of the Departments of Education and Prisons. The Committee appointed by the Indian Conference of the Inspectors General of Police found that about ten per cent of all criminals convicted in the country were juveniles. According to all reports juvenile delinquency is assuming alarming proportions in urban areas. It is, however, not correct to say that juvenile crime is generally confined to cities only. The greatest problem today is the village landless labourer who is unemployed and whose children are undernourished.

In India, juvenile delinquency is the result of the structure of society and of the glaring contrasts of wealth and poverty. The incidence of delinquency is much higher in the larger industrial towns where unemployment, over-crowding, slum conditions, lack of recreational facilities, social disorganization and indiscriminate mixing of population tend to develop. Rapid urbanization of the country, unless well planned, may further increase juvenile crime. In the village community kinship ties are very strong, but in urban areas there is greater mobility and therefore a more favourable attitude to social change and materialism.

Delinquency among girls is not a serious problem, so far. In Bombay 15.6 per cent of the total juveniles convicted were girls but only 1.8 per cent of the total convictions in the rest of the country were girls. Girls are trained for household responsibilities from early life and are thus less liable to temptations.

Until India gained independence, hardly any steps were taken for the prevention and treatment of juvenile delinquency. Some sections of the Indian Penal Code and the Criminal Procedure Code, however,

deal with children. According to section 82 of the Indian Penal Code, nothing is an offence which is done by a child above 7 years of age but under 12 who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.

The Apprentices Act of 1850 is the earliest measure in India, which attempted to deal with destitute and delinquent children. It empowered a magistrate to bind such juveniles between the ages of 10 and 18 to work as apprentices. Section 399 of the Criminal Procedure Code provides for the commitment of juveniles to reformatories in place of a prison sentence. The first institution to be recognized as a Reformatory School was the David Sassoon Industrial School in Bombay in 1857.

The Reformatory School Act of 1876 was the first legislation in India which dealt with the treatment of juvenile offenders under the age of 15 years. This Act was amended in 1897. It is applicable to boys only. It combines the provisions of section 399 of Criminal Procedure Code and the Apprentices Act. It provides for the establishment of reformatory schools where the courts can send delinquent boys for a period of three to seven years. A juvenile over 18 years of age cannot be detained in these institutions. Boys of 14 years or over can be licensed out if suitable appointments are found for them. Before independence, only four reformatory schools were established in the country, one at Hazaribagh, one at Delhi (now at Hissar), one at Lucknow and one at Jubbulpore. This Act was an all India measure providing for intra-provincial arrangement for the transfer of offenders. Two of the states share a common institution. A juvenile Reformatory was set up at Tonk in Rajasthan in 1957.

Facilities for medical care exist in all the reformatory schools which are congregate-type institutions. Boys are given academic training for which regular schools recognized by the Education Department exist. In some institutions boys are sent to outside schools for further education. Vocational training in the various trades is imparted to the inmates, and regular examinations are held. Usually there is a two years' course for every trade and certificates of proficiency are awarded. Trained instructors are provided for every trade. Training in scouting and bands is also given. Physical training and games are compulsory. Picnics, dramatic shows, cinemas and other entertainments are provided. Lectures by staff and outsiders on moral and social subjects are periodically delivered.

At Lucknow, special emphasis is laid on the adjustment of the personality of the boy. An official specially trained at the Bureau of Psychology, Allahabad, is attached to this institution. All the staff of the Lucknow Reformatory School is trained at the Jail Training School.

There is a Board of Visitors or a Committee of Management and a Superintendent for the management of every school. Members of the staff, with the exception of the vocational instructors, live on the premises.

The juveniles who are released on parole under the Reformatory School Act, are studied with a view to see how far each is able to adapt himself to the real situation. A program for change of attitudes through contacts with the staff has also been chalked out.

Besides these reformatories, there are five juvenile jails in India; one in Uttar Pradesh, one in Orissa, one in Punjab, one in Bengal and one in Bihar. These institutions are run more or less on the lines of Approved Schools. They receive boys between the ages of 15 and 18 who stay there up to the age of 21.

The Juvenile Jail at Bareilly has a regular school recognized by the Department of Education. It imparts training up to the vernacular middle standard. Promising boys are allowed to go to outside schools. The inmates are generally allowed to select their vocation. Training is imparted in tailoring, cloth weaving, carpet making, leather work, masonry and agriculture. Examinations are held every six months. After two years a certificate of proficiency is awarded and a boy can take up private work on payment. The amount realized is credited to his account. He is allowed to spend part of his money on himself.

Every boy in the school contributes six per cent of his earnings to the Boys' Fund. Boys who are not on the earning list, get aid from this Fund on release. Welcome parties to newcomers and farewell parties to the outgoing boys are arranged from this Fund.

Every boy is a scout. Scouts take part in state rallies. The institution has a band which is let out on hire. The earnings go to the boys. Games and physical training are compulsory. Several inmates go for work in outside factories without supervision. The institution has a dramatic club, a reading room, a library, a hobby class and a canteen, all managed by the boys themselves. Boys go on picnics and play matches with the local schools. An elected body of the boys called the Panchayat has been given considerable administrative and disciplinary powers. All the officials of this institution are trained. In order to understand the inmates and apply effective treatment, case history of each inmate is written in a scientific manner. Weekly extramural lectures are arranged. Boys are allowed ten days' home leave for going home without any supervision. This institution is really a boarding school and the inmates are proud of it. Some follow-up work is also undertaken. The institution has a Home for Released Boys.

Other juvenile jails are run, more or less, on similar lines.

Many states in India have passed Borstal Acts and have set up borstal institutions for the treatment of those juveniles in whose case other treatments have failed. The borstal institution forms a link in the chain of program for prevention of crime. Cases received here are at an advanced state of degeneration. The state of Madras was the first to pass the Borstal Act in 1926. It has two borstal schools. The states of Bombay, Madhya Pradesh, Mysore and Punjab have one each. Uttar Pradesh passed the Borstal Act in 1938 but it has, so far, no borstal institution, although the Fatehgarh Central Jail has a separate wing where juveniles are given training on borstal lines.

The Borstal Schools receive boys between the ages of 15 and 21. Borstal schools are everywhere under the Jail Department. Juveniles are sent to these institutions under the orders of the court. The maximum period in most cases is three years. An inmate can be released on license after being detained in a borstal institution for six months, if the Visiting Committee is satisfied that he will abstain from crime. Many boys are released after doing half the sentence. A boy who is found incorrigible may be transferred to a prison by the state government. The sentence of whipping cannot be imposed on the inmates.

A Borstal is a training school for adolescent offenders based on educational principles, pursuing educational methods. Sympathy, affection, freedom, and self-government are the principles of the borstal system in India. The inmates are kept constantly busy in order to save them from day dreaming. Every institution has a school for imparting education. Vocational training is given to the boy in a trade generally of his choice. Indoor and outdoor games are provided. Scouting is very popular. Many institutions have panchayats or councils of inmates. These councils try petty offences and are in charge of minor internal administration. The borstal system recognizes the individuality of the boy. The setting up of borstals in Kerala, Assam and Uttar Pradesh is under active consideration.

Under the First Offenders Release on Probation Act in Uttar Pradesh, a magistrate is often earmarked to deal with juvenile cases, especially in a district where a probation officer is attached. The latter generally submits a social report to the court. In other states, which do not have probation or children acts, no social investigation is possible.

Sections 562 and 564 of the Criminal Procedure Code provide that a person under 21 years of age who has committed an offence punishable with imprisonment for not more than seven years, may be released on probation on furnishing a bond, with or without sureties, provided that he has a fixed abode and a regular occupation. He must have no previous conviction and the court must think it expedient to do so. The release is however, without supervision.

The first Children Act in India was passed in Madras in 1920. It has now been amended six times and has become very progressive. This act provides for delinquent, neglected and uncontrollable juveniles. Under this act a juvenile may be discharged after due admonition, committed to the care of a parent or guardian, fined or whipped, sent to a certified school or sent to jail in certain cases. The state government is empowered to set up juvenile courts. Where separate courts do not exist, the juveniles are to be heard in a different room or at a different time from the ordinary hearings. The Madras Children's Aid Society was established in 1926 and it put the Act into operation. The first juvenile court was set up in Madras in 1939. In Bengal a juvenile court and a House of Detention were set up in 1914. A Bengal Children Act was passed in 1922. This Act is enforced in Calcutta only.

Bombay passed a Children Act in 1924. It was amended and made up to date in 1948. The appearance of lawyers is restricted. It also provides for the observation, treatment and further enquiry in the case of uncontrollable children. In 1927 the Bombay Children's Aid Society was established and the Children Act was first enforced with its help in the city of Bombay. The Central Provinces passed a similar Act in 1928, Delhi in 1941, Hyderabad in 1952 and Saurashtra in 1954. In Kerala, Punjab, Assam, Orissa and Bihar details are being finalized. A model Children Act is under the consideration of Parliament. The Saurashtra Children Act is most in line with the modern concepts of child welfare. Punjab and Uttar Pradesh have also passed children acts but they have not been implemented so far. The Reformatory School Act is superseded wherever the children acts are enforced. These Acts apply to girl offenders also. No death sentence or transportation can be awarded to children. Whipping as a form of punishment has been dropped under the children acts.

With the exception of Bombay, Hyderabad and Calcutta, where a juvenile Aid Police Unit was established in 1952, there is no special provision in the laws for apprehending juvenile offenders who are thus treated like adult offenders. Women police have, however, been appointed in the following states: Andhra Pradesh, Bihar, Bombay, Madhya Pradesh, Punjab, West Bengal, Kerala, Rajasthan, Mysore and Delhi.

One of the functions of women police is to prevent juvenile delinquency and assist in cases where juveniles are involved. The Bombay Children Act provides that the probation officer of the Remand Home must be informed as soon as a child is arrested and the probation officer must forthwith make a social investigation of the child. In order to bring about the co-operation of the police, the Deputy Director, Social Welfare (Correctional Administration) of the Bombay State gives lectures at the Nasik Police Training School. In Uttar Pradesh too, the

Probation Officer and other social workers deliver lectures at the Police Training College at Moradabad. The need for special machinery for the apprehension of juvenile offenders is keenly felt in all the states. In 1957 special police staff, known as missing squads to look after and prevent young boys and girls from being kidnapped or subjected to prostitution, have been formed in the big cities of the state.

Before the passing of the children acts, all arrested juveniles awaiting trial were confined in police lock-ups and after sentence in prisons for adults, unless they were released on bail. In adult institutions, segregation from adults is generally observed. Very few facilities for education, and none for social investigation exist in these institutions. The police are everywhere responsible for bringing the juveniles to the court. Handcuffs are not generally used for this purpose. All children acts provide for release on bail and prescribe that the arrested juveniles should be committed to the custody of respectable persons, philanthropic societies or in remand homes. It is laid down that children should not be detained in jails. Girl offenders are not to be detained in police custody. They may be placed in the custody of a person named by the court.

The State of Bombay has twenty-three institutions which are recognized as remand homes. They are all managed by private agencies but they are subsidized by government. The Deputy Director of Social Welfare in charge of correctional administration is authorized under the Children Act to recognize certain places as remand homes. He must inspect them periodically. These remand homes not only provide accommodation for short term detention, but also provide facilities for observation. Medical attention is provided in all remand homes but only Umarkhadi Remand Home in Bombay city and the Poona Remand Home have Child Guidance Clinics. A part-time psychiatrist is attached to the former. A scheme of providing industries for the children to occupy their leisure time has also been put into operation.

The State of Madras has six remand homes which are privately managed and state subsidized. This state has one state-operated remand home. A juvenile Guidance Clinic has recently been attached to the Madras Juvenile Court. It conducts elaborate psychological and scientific studies in the government correctional institution in Madras city. The Government of Uttar Pradesh has sanctioned the setting up of two child guidance clinics, one at Agra and the other at Varanasi. The detention home in Delhi has now been separated by the establishment of a Certified School. The House of Detention in Calcutta is financed by government and is administered by a Visiting Board under the chairmanship of the Chief Presidency Magistrate. Medical, recreational and industrial facilities provided are insufficient. The State of Hyderabad has set up four remand homes recently.

All children acts have provision for the creation of juvenile courts. The powers conferred upon a juvenile court are also exercisable by the High Court, the Court of Sessions, the District Magistrate and a stipendiary magistrate. Appeals from the juvenile courts are heard by the ordinary courts in the judicial hierarchy. In most of the juvenile courts in India, a regular magistrate of the criminal court presides. Only four have full-time women magistrates. It is felt that the magistrate of the juvenile court must have some knowledge of child psychology and juvenile delinquency. He should, therefore, be carefully chosen. Women can perhaps do this work more efficiently than men. Bombay has twenty-four juvenile courts, Madras six, Andhra Pradesh three and West Bengal and Delhi have one each.

Apart from delinquency, the children acts have jurisdiction over neglected, destitute and uncontrollable juveniles and those who are in moral or physical danger of becoming delinquent. The children acts of Uttar Pradesh, Bombay and Saurashtra, give the juvenile courts exclusive jurisdiction over all juvenile offenders even when a juvenile is charged with an adult. The Madras and Bengal Acts do not empower the juvenile courts to claim this jurisdiction. Every children act lays down that in districts where juvenile courts have been established, children shall not be tried by any other court when charged with any offence. The maximum upper age limit for the jurisdiction of the juvenile courts is everywhere under 16 years of age at the time of commitment, except in the case of Saurashtra where it was under 18. In the case of non-delinquents it is under 14. In Bombay over fifty per cent of the cases brought before the juvenile court concern non-delinquents.

A juvenile court magistrate may sit alone or with one or two honorary magistrates. Usually women are appointed honorary magistrates. In case of disagreement, the opinion of the stipendiary magistrate prevails. Except in West Bengal, all children acts provide for social investigation of juveniles by probation officers. Not all cases are socially investigated. It is often left to the discretion of the court. An increasing use is, however, being made of social investigation. The cities of Bombay, Poona and Madras now have child guidance clinics where the personality of the child is also studied.

Children Acts in India do not permit the presence of a legal practitioner in the juvenile court except when, in the opinion of the court, his presence would be in public interest. Acts restrict the audience also. Only members and officers of the court and such persons as the court may allow, are permitted to be present. The court can order any person to withdraw, including the child and his parents. The press is not permitted to publish the name or address of a child except when it is in the interest of child welfare. The Bombay Children Act debars the use of the

terms "conviction" and "sentence". In many states, juvenile courts hold their sittings in the remand homes. Both the children acts and the Reformatory Schools Act provide that only authorized magistrates should try juveniles under these special acts. Even in adult courts, juvenile cases are in some instances placed in a special category. All children acts provide that the court will as far as possible, sit in a different building or room in which ordinary sittings of the court are held, or will hold them on different days or at different times from those at which the ordinary sittings of the court are held.

In the juvenile court the police presents the case for the prosecution. In case of non-delinquent juveniles, charges may be brought by parents, probation officers or the police. There is a legal provision in all Acts to make the court atmosphere informal. Police officers appear in plain clothes. The child is not required to take oath before giving evidence although witnesses have to depose on oath. The court can amend certain of its orders, such as placing the juvenile on probation. It may adjourn a case and re-open it on additional grounds being placed before it. Unlike the adult court, the juvenile court enjoys a certain amount of flexibility. It can compel the attendance of a parent or guardian. A juvenile court has close contacts with child welfare organizations which generally maintain remand homes as in Bombay, Madras and Hyderabad. Moreover, the probation officers of the remand homes are also used by the court for social investigations as well as supervision on parole.

The juvenile court can (i) allow a child to go home after advice or admonition; (ii) release him on probation under the care of his parent or guardian, with or without surety for good behaviour for a period not exceeding three years. The court can cancel this arrangement on a report from the probation officer that he has not been of good behaviour; (iii) impose a fine and, if the juvenile is over the age of 14 and working, order him to pay the fine himself. In case he is below 14 years of age, his parents can be made to pay the fine. Some acts also provide for payment for his maintenance by his parents if the child has to be kept in a state institution. The Saurashtra Children Act authorized the Director of Child Rehabilitation on the recommendation of the managers of the fit person institution, to release a child from the school after the expiry of six months and grant him a licence to live under the supervision of a responsible person approved by the Director. (Saurashtra has since been merged with Bombay); (iv) order him to be committed to a certified school or a fit person institution.

All the children acts provide that juvenile offenders should not be sentenced to transportation for life or to death. In certain cases of unruly and depraved character, when other methods of treatment cannot be applied, a juvenile may be imprisoned.

The States of Bombay, Madras, Uttar Pradesh, Andhra Pradesh, West Bengal, Kutch, Behar, Kerala, Delhi and Madhya Pradesh have an active probation service. Madhya Bharat passed a Probation Act in 1954 and two probation officers have been appointed. In Uttar Pradesh the First Offender's Release on Probation Act is applied to twenty out of fifty-two districts. The state has forty probation officers. The Probation Department had come under the Inspector General of Prisons in this state but it is likely to go under the Social Welfare Department soon. Probation officers are government servants. In Andhra Pradesh twenty-two probation officers have been appointed and, as in Madhya Pradesh, they are government servants. The probation service is administered by the Children's Aid Society and private agencies as well as the Government in the Bombay State. In Bombay it comes under the Department of Social Welfare. Since 1946 the Department of Probation has been under the Inspector General of Prisons in Madras. This state has provision for honorary probation officers also. Tripura's Probation of Offenders Rules for correcting young offenders came in force in 1960. In West Bengal probation is state service. A release on Admonition and Probation Act was passed in 1954 and one Chief Probation Officer and twenty probation officers have been appointed and probation has now been extended to eleven contiguous districts of Calcutta. Probation in West Bengal is applicable to persons under 21 years of age. The West Bengal Probation and After-care Association is running a hostel at Bally (Howrah) where about twenty-five boys released from borstal and reformatory school and juvenile jail are housed to give them further training with a view to rehabilitation. Recently sixty probation officers were appointed in Behar. Each district has a Probation Centre with a Principal Probation officer and three Probation officers, one of whom is a psychologist another a sociologist and the third one is a woman. Each centre will also have twenty associate probation officers.

Probation officers in India are generally given scientific training in probation work. Many of them are graduates of institutes of social sciences. In Bombay the Juvenile Branch arranges for the training of probation officers appointed by government. In Madras there is provision for training at the Madras School of Social Work. In Uttar Pradesh probation officers are given training at Jail Training School, Lucknow. The use of probation for juveniles is rather limited in India. It is a very progressive act. It is applicable to persons of all ages. It is hoped that within a few years all state governments will make it applicable to

their respective states. In India the same probation officers are utilized for adult as well as juvenile work except in Bombay. Much depends on the personality of the probation officer. A wise probation officer can influence the court into granting more and more releases on probation.

All children acts emphasize the personality of the juveniles and provide for institutions for their treatment. Government can certify any institution as a fit person institution for this purpose subject to inspection by the authorized representatives of the government. These institutions are generally called certified schools. There are forty-two certified schools in India. Fifteen are operated by the state, the rest privately. In addition, there are fit person institutions of which Bombay has 103. They are private organizations reserving the right of admission. They do not always accept adjudged delinquents. In Bombay, the Deputy Director of Social Welfare in charge of correctional administration inspects them. In Bombay city, the Children's Aid Society administers the Umakhedi Children's Home and the Home for Mentally Deficient Children. The Society for the Protection of Children in Western India administers the Byramjee Jeejeebhoy Home in the Bombay city. Bombay has twenty voluntary certified schools, Madras nine, Andhra Pradesh three and Delhi one. Some of these schools accept non-delinquent juveniles also. Some schools serve only boys, some only girls, while others serve both. The Madras Children's Aid Society administers two certified schools at Tanjore. The denominational schools admit juveniles without regard to religion. Private certified schools receive a block grant annually. In addition, they also receive a per capita contribution from the state. Some of these institutions are very large like the Chembur Children's Home which has accommodation for 340 juveniles. Others are quite small accommodating as few as ten juveniles.

While sending an offender to a certified school, the juvenile court takes into account his age, sex and gravity of offence. Once admitted to a certified school a child generally remains there up to the age of 18 in most states and 21 in Saurashtra. If he is sent for a shorter period, reasons have to be recorded in writing. In Bombay state, boys of 13 years and over who come from urban areas are sent to Poona Industrial School and the David Sassoon Industrial School. Boys between the ages of 7 and 13 coming from rural areas are committed to the Chembur Children's Home, which is an open institution. In Bengal children over 12 are sent to the Reformatory School at Hazaribagh, while children below 12 are sent to the Industrial School. Girls are sent to the Salvation Army Home at Behala. In India, the Home for the Mentally Deficient children at Chembur and Bal Vihar in Madras are the only two institutions for mentally deficient children.

Bombay has got ten government certified schools. Madras has four government certified schools under a Chief Inspector of Certified School. Travancore and Mysore also have one certified school each. Some of these schools are separate, others are mixed. They are classified into senior and junior schools. A certain amount of uniformity is observable in the programs of the private and state operated schools as both the schools are inspected by a government servant who endeavours to see that a certain amount of uniformity is maintained. The larger schools have more facilities for vocational training. Adequate medical facilities exist in most of these institutions, especially in the government certified schools. The program of training is comprised of mental and moral education, vocational training and games. Only the cities of Bombay, Madras and Poona have any psychological services. Facilities for games and physical training exist in most of the institutions. The standard of education is of the elementary school level. Boys are taught regional languages. Seventy-five per cent of the boys when received are illiterate but every boy becomes literate before he leaves the school. Some of these schools send their boys to outside schools. Trained teachers are employed in all the certified schools.

Vocational training extends over a period of two years. Proficiency certificates are awarded on completion. As far as possible, boys are allowed to choose a vocation according to their liking. They are however, encouraged to learn their hereditary profession. Vocational guidance is given and aptitude tests are applied in a few institutions. Though some schools have machine shops, generally training is imparted in handicrafts like cane work, leather work, book-binding, carpentry, polishing, painting, metal work, agriculture, gardening, tailoring, weaving, rope making, dairy farming and music. Girls are taught midwifery, cooking, dress-making, embroidery, knitting, spinning and household work. The Chembur Home concentrates on agricultural training while the David Sassoon School has a fully equipped machine shop.

Articles manufactured are used by the institutions as well as sold outside. In all institutions, juveniles wash their own clothes, keep the institutions clean and assist in maintenance duties. No wages are paid but mark money is given for good conduct. Scouting is very popular in most of the institutions. Moral and social lectures are frequently given to the inmates. Juveniles are allowed to go home on certain occasions. All private as well as government certified schools observe the dormitory system, except the Chembur Home where small cottages have been provided. These certified schools have a total accommodation for 5,000 children.

Certified schools normally operate under a monitorial system. Some have panchayats or children's councils which exercise minor judicial functions. Pocket money is paid to the inmates in Madras where a canteen has also been opened in one school. Corporal punishment is still used in most of the institutions. Other disciplinary measures used are restricted diet, degradation from office and reduction of mark money.

Rules provide for the appointment of a Superintendent and a Committee of Visitors to manage the school. Superintendents are graduates and have generally received training in social work. In government certified schools every superintendent arranges for the training of the staff. All the members of the staff enjoy civil service status and most of them live on the premises. The basis of release from these institutions is expiration of term, fixed term, attainment of a specified age or special orders of government. In Bombay a girl can be released by government if a suitable match offers to marry her.

Madras, Bombay and Uttar Pradesh have after care hostels where released boys can stay. They are run by private agencies. Released boys are assisted in getting jobs. A probation officer is usually in charge of these hostels. In Madras, the Children's Aid Society has organized two girls clubs where some training is given and even marriages are arranged. Both in Bombay and Madras the probation officers exercise supervision over the released juveniles. In Bombay the follow-up work of juveniles is carried out for three years. Probation officers visit the homes at intervals and give advice and guidance. The Crime Prevention Society in Uttar Pradesh has established homes for discharged prisoners and helps them in securing employment. The society has purchased a piece of land where they have settled some of the released prisoners including juveniles. Honorary parole magistrates have been appointed in certain districts of this state to assist in after care work. In West Bengal and Behar after care work is entrusted to the local education officer. The Madras Children Act amended recently, provides for a government operated after care service and for the establishment of after care hostels. If the treatment program of a correctional institution is to prove effective, the setting up of a government organized after care service in each state is essential.

Out of 4,241 juvenile delinquents apprehended in Uttar Pradesh in one year, only 14 were girls; 353 were admonished, 1,079 were released on bond, 188 were fined, 41 were sent to Reformatory Schools, 153 were entrusted to the care of parents, 43 were sentenced to whipping, 949 were acquitted and 1,708 or 36 per cent were sentenced to various terms of imprisonment. Out of 1,706, 4.3 per cent were sentenced

for violence, 38.8 per cent for theft, 1.4 per cent for rape, 3.9 per cent for dacoity, 2.2 per cent for excise offences and 49.5 per cent for miscellaneous offences. Out of these 1,706, 895 were sentenced to imprisonment for and up to three months, 430 for three to six months and 305 to one year. Only 176 were sentenced to above one year. A majority of the boys were thus sentenced to less than six months, and with the exception of a few, the rest were kept in adult jails. Imprisonment only further contaminates the juveniles. In Bombay juvenile courts in one year 29 per cent of the total number of cases dealt with were for offence against property, 20 per cent against the person, 6.25 per cent for sex offences. More than 43 per cent were charged for vagrancy and 19 per cent for other offences. In 1958-59, 7,408 boys and 1,296 girls were brought before the juvenile court.

From a study of juveniles made by the cadets of the Jail Training School, it has been elicited that 80 per cent of the juveniles brought to court were for theft. Half of them came from broken homes and 25 per cent from unhappy homes, over and above the broken homes. Half of them had no occupation and 80 per cent were illiterate and came from very poor homes. The major causes appeared to be poverty, unhappy or broken homes, bad company, unemployment, lack of recreational facilities and illiteracy. These factors make for an unbalanced and emotionally disturbed personality. The social control exercised by the joint family is fast disappearing on account of the disintegration of this traditional pattern. Often adults exploit children and lead them to delinquent acts. Certain groups live only by stealing and picking pockets. These professions are passed on from generation to generation.

Until recently very few specific measures were directed towards the prevention of juvenile delinquency. Of course the children acts now contain provision for dealing with cases of cruelty to children, their employment, begging, for being drunk while in their charge, and exploitation of child labour. Scientific interest in the subject of juvenile delinquency in India is only a quarter of a century old. Though India is a vast country, the administration of justice and the problems of crime and its treatment are similar in all the states. This similarity of problems facilitates treatment. During the post-independent era, considerable thought and effort have been devoted to the treatment and prevention of juvenile delinquency both by governmental and non-governmental agencies and thus the problem has been brought to the forefront. It is hoped that within a few years each state will have a children act with all its appurtenances.

From the point of view of prevention, the home recreational and group work agencies, the school and religious institutions are the main institutions. If these fail to function satisfactorily, children are the chief

sufferers. The strengthening of the family, which is the best insurance against delinquency, is therefore of primary importance. All efforts are being made to do this through legislation and social work. Parents need guidance to understand children. Voluntary social welfare institutions are organizing programs of education for marriage, parental training, family counselling, and family planning, to strengthen the home and parent-child relationships. The creation of public opinion is essential if any scheme of child welfare is to succeed. This task has now been undertaken in a scientific manner.

Community development, town and village planning have tremendous potentiality for curing and preventing social ills. The resources of the government are limited. Apart from this fact, members of the community understand their problems better and can therefore tackle them better if they are provided guidance, technical assistance and trained personnel. All the resources have to be estimated and their utilization planned for this purpose. Planning is a social process in which every citizen should have the opportunity to participate. To satisfy these needs, a Planning Commission was set up in 1952 to make an assessment of the resources of the country and to formulate a plan for the most effective and balanced utilization of the country's resources. The First Five Years Plan was completed in March 1956. The Second Five Years Plan is now being implemented. The central objective of planning has been to initiate a process of development which will raise living standards and open out to the people new opportunities for a richer and more varied life. The plan aims to create psychological conditions which will provide an incentive for all to give their best. No government can alone undertake such a tremendous task—without the active co-operation of the people. Community Projects affecting all walks of life; agriculture, animal husbandry, education, forests, irrigation, co-operation, roads, health, labour welfare, social welfare, social education, and games and sports, have therefore been planned and co-ordinated from the village level to the state level. The principle of financing these projects generally is that some contribution must be made by the community.

The Plan is a partnership in construction. Each village has a panchayat or council which plans for the village. One hundred villagers form one block of the National Extension Service which has become a permanent feature. In Uttar Pradesh alone 870 blocks are proposed to be formed; 273 have already been set up. The Project Advisory Committee checks up the program and provides the funds. Each block is under a Block Development Officer assisted by a team of specialists. He co-ordinates the work of the various departments. Each department provides the equipment. A large number of workers have been trained to work for multi-purposes at the village level. The same worker is

trained in animal husbandry, agriculture, and public health. An information centre with a library and reading room has been set up for each block. The District Planning Officer is co-ordinated by the Commissioner at the divisional level which is finally co-ordinated at the state level.

Under the Second Five Year Plan large sums of money have been allotted at the various levels, to be expended during the next five years. There is considerable delegation of powers. There is a provision in the budget of each department of grant-in-aid local areas for development schemes. The community project schemes and the National Extension Service are working hand in hand for the uplift of the country. The main stress of the Plan is in the creation of consciousness among the citizens of India who are joining hands in raising the over-all standard of the country. There can be no doubt that the successful implementation of the Plan will strengthen family life and will create wholesome conditions for everyone, especially children and will thus go a long way in preventing delinquency.

At the suggestion of the Planning Commission, the Government of India set up in 1953 a very high-powered autonomous body, the Central Social Welfare Board. Funds to the tune of several crores per year have been placed at its disposal. The functions of the Board are to assist and supplement welfare facilities throughout the country and to act as a clearing house of information on social welfare matters and render financial aid to voluntary organizations desiring help. This is the first effort at co-ordinating welfare institutions in the country. State Boards have been set up in all the states so that now there is network of social welfare agencies throughout the country. The Central Board is now sponsoring welfare service like Welfare Extension Projects in the rural areas and Family Welfare Projects in urban areas. Social Welfare has become a governmental concern. A close connection has now been established between social welfare and social legislation. Welfare services require trained personnel. The Board is empowered to sanction grants for training workers and the Board has already started the scheme for training 8,000 women village level workers.

At the instance of the Social Welfare Board, the Bombay Children's Aid Society set up a Bureau of Delinquency Statistics and Research, to collect statistical data about the prevention and control of juvenile delinquency, and destitute and handicapped juveniles. The report of this survey states that the problem of juvenile delinquency is assuming increasingly larger proportions with the advent of urbanization and the consequent breakup of the traditional rural family and rural community life. Agreement on this point is fairly general among prison, police and welfare officers of the various states.

The Central Social Welfare Board had set up two Advisory Committees—one on Social and Moral Hygiene and the other on After Care Services. The Committee recommended that after care homes with production-cum-training units should be set up in each state and district. The Committee strongly emphasized the need for training a suitable and adequate body of personnel for the proper management of these state homes and district units. The recommendations of the two committees were generally accepted by the Government of India, and as a result, they have sponsored the Social and Moral Hygiene and the After Care Service Scheme. Under the approved pattern of the scheme there shall be five state homes in each state attached to each of which should be a training-cum-production unit and one district shelter for two neighbouring districts.

The After Care scheme refers to a program of services organized to complete the process of rehabilitation of socially handicapped individuals which was begun and carried out up to a particular stage in an institution. The scheme aims at the rehabilitation of such individuals as are discharged after a period in an institution of some kind. A very large number of persons, both men and women, are discharged every day from the various correctional and non-correctional institutions in the country and have neither a home to go to, nor are they sufficiently skilled in any trade or vocation, to enable them to earn an independent living. One of the first obligations which an after care service has to discharge to these persons, is to provide them with a place to stay. Given a place to stay, the individual can move about, find a job and be helped to settle down on his own, even without any further assistance from the after care services.

The next important problem to be tackled by an after care service relates to the completion of the process of educational and vocational training which an individual might have had in a correctional or non-correctional institution before his discharge. Both correctional and non-correctional institutions in the country impart some sort of general educational and vocational training to their inmates during the period of their stay. The extent of skill acquired by an inmate in any trade or vocation at the time of discharge depends on the standard of the training provided and the length of the study of the discharged in the institution concerned. In most cases, particularly in the cases of voluntary institutions like widow's homes and orphanages, the training imparted is incomplete and unsatisfactory. For proper rehabilitation of such individuals into normal life the vocational training imparted to them has to be as thorough as it can be.

The minimum facilities according to the Committee which an after care service should provide to persons discharged from custodial institutions are temporary shelter in a place nearest to the institution from which

the dischargees have to move out; an after care home with long-term residential facilities, a fully organized vocational training-cum-production centre; and a guidance counselling and follow-up service for social and economic rehabilitation of the inmates after their discharge from the state home.

All these three reports need to be coordinated to present a comprehensive picture of anti-social behaviour as it obtains in the country and of the measures necessary to deal with it. The Social Welfare Board only sanction grants to voluntary institutions for the welfare of women and children. Several crores of rupees have been placed at the disposal of the Social Welfare Board for this work.

Keen interest is being taken in the welfare of children in all the states in India. Youth serving agencies like the Boy Scouts, Girl Guides, Y.M.C.A. and Bhartiya Seva Dal are striving to meet the needs of the youth of the country. The Central Social Welfare Board is collecting data and is at the same time co-ordinating their activities and helping them financially. The Balkanji Bari movement is a laudable venture to provide healthy group activities for the young boys and girls. The various institutes of social sciences are training social workers for organizing these activities. The Ashoka Vihara in Madras provides recreational and educational programs for the children of slum areas. It also trains organizers for organized recreation. The youth camps sponsored by the Youth Welfare Section of the Central Ministry of Education are proving a great success in teaching the youth of the country the importance of manual labour and of self-help. Many voluntary organizations are conducting "Adult Literacy Campaigns" in various parts of the country. The Nagpada Neighbourhood House in Bombay provides healthy leisure-time activities for boys and girls. Children's Aid Societies organize night schools and recreation for boys. The Indian Council for Child Welfare and the Indian Council for Mental Hygiene have set up branches in the various states in India and take keen interest in the prevention of delinquency through compilation of statistics and dissemination of information. Periodic meetings organized by their local branches are trying to bring the problem into limelight.

The Government of India have appointed a National Advisory Council to advise them on problems concerning the education, training and provision of social and cultural amenities for the physically and mentally handicapped. They have taken up with the state governments the question of setting up of rescue homes and after care homes at state and district level. The Central Government have considered the formulation of suitable model schemes for states which have not enacted necessary legislation for handling juvenile offenders. A provision of rupees two

crores has been made in the Second Five Years Plan (1956-61) as central contributions for assisting the states in establishing institutions and probation services relating to juvenile delinquency crime and correction and prevention of begging. The Research Program Committee set up by the Planning Commission of the Government of India and the Advisory Board on Social Welfare of the Ministry of Education have taken up the promotion of research in the field of crime and correction, juvenile delinquency and moral and social hygiene.

Cet article décrit la situation présente en ce qui concerne la délinquance aux Indes, ainsi que les mesures prises pour s'attaquer au problème.

Corrections in Israel

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The Country and its Population

The State of Israel was established on May 15, 1948, in part of the Mandated Territory of Palestine. The total area of the State—including 171.8 square miles water area—is 7,992.6 square miles. When the State was established, its population was about 800,000 inhabitants, including 671,871 Jews. Due to the constant immigration of Jews from all the continents and every conceivable country of the world, the population figure has already passed the 2,000,000 mark. On December 31, 1958, there was a population of 2,031,672—including 1,810,148 Jews—in the country.¹ The greater part of the population is concentrated in the section of the country situated north of Beer Sheba; the southern area (the Negev) is mostly desert which, however, hides in its soil treasures the discovery and development of which has only started.

The Law and its Reform²

The Provisional Council of State within a few days after the establishment of the state enacted, *inter alia*, that the law in force in Palestine on May 14, 1948, should remain in force in Israel, with such modifications as may be found necessary by the competent organs of the state, or until they are revoked and replaced by laws passed by the Knesset (Parliament). The Provisional Council of State also enacted that the powers conferred by the laws of Palestine on the High Commissioner should be vested in the Government of Israel and that the government should be entitled to delegate such powers to one or more of the ministers.

This division of powers among the Cabinet members has left its decisive imprint on the administration of Criminal law in Israel until the present day. The administration of the Criminal Code Ordinance, 1936, was entrusted to the Minister of Justice; the Prison Ordinance, 1946, and the Police Ordinance fell within the competence of the Minister of Police; the Probation of Offenders Ordinance, 1944, and the Juvenile Offenders Ordinance, 1937, were to be administered by the Minister of Social Welfare. There are, thus, three departments, distinct and independent of each other, charged with the penal and penitentiary administration in Israel. Therefore, the level of efficiency in the functioning of

the Israeli correctional system logically depends on the smooth cooperation of the three departments, the Israeli Attorney General, in his contribution to the report to the First United Nations' Social Defence Congress, asks the question "whether it would not be conducive to a more efficient and more economic working of all these services, if they were centralized in one department and brought under the control and responsibility of one Minister".³

Since the establishment of the state, a few achievements in the field of law reform have been reached. The punishment of whipping was abolished in 1949. Capital punishment for murder was abolished in 1954. In the same year the general law of punishment, contained in the Criminal Code Ordinance, 1936, was restated and amended so as contain among others the following progressive provisions:

1. Punishments provided for by the law are deemed maximum, and the court may impose that punishment or any lesser punishment.
2. Where the court may impose imprisonment, it may suspend the sentence on condition of the accused's good behaviour for a period not exceeding three years.
3. Where imprisonment is imposed on an offender in respect of several offences, the various periods of imprisonment should run concurrently, unless the court orders them, or part of them, to be cumulative.
4. Imprisonment for a period exceeding one year shall not be imposed by a court until a report on the accused has been submitted by a probation officer. (The date for the enforcement of this provision has not yet been set.)
5. Imprisonment for non-payment of a fine may in no case exceed the period of three months.
6. A bond to be of good behaviour may no longer be ordered by way of punishment. Likewise, probation orders are no longer deemed modes of punishment (but are unaffected as means of treatment and supervision).
7. The accused may be awarded the costs of his defense against the complainant if his complaint was found groundless, and against the Treasury if the court finds that the prosecution was instituted without sufficient grounds.
8. The Minister of Police may, upon request by a prisoner or by recommendation of the Commissioner, grant special leave not exceeding ninety-six hours; the period of such leave, if granted, shall not be added to the term of imprisonment.

9. Release Boards were set up, composed of a District Court Judge as Chairman, the Commissioner of Prisons or his representative, and, as the third member, a physician or educator. The Release Board reviews sentences of imprisonment exceeding six months after two-thirds of the sentence has been served, and can recommend either the release of the offender or the completion of the full term of imprisonment to the Minister, who will issue his order accordingly. Prisoners sentenced to terms of three to six months can be freed or ordered to complete the prison term at the full discretion of the Minister of Police. These powers leave unaffected the general power of pardon vested in the President of the state, who acts on the advice of the Minister of Justice.
10. In 1957 similar release boards were set up to decide upon the release of juvenile offenders from institutions. In the cases of juveniles the board is not limited by the two-third minimum which the adult has to serve.

Reforms in the field of criminal procedure affect particularly cases where insane persons are accused and where children are involved in sex offences, as victims or eye witnesses.

(1) The Law Concerning the Treatment of the Mentally Sick, 1955, abolished the mandatory (British) law according to which insanity was only a defense, that provides for the detention of an offender "during the pleasure of the High Commissioner" after he was found "guilty but insane". The new law rules that the court, at the request of the prosecution or the defense, or its own motion, order the accused to be hospitalized for observation by psychiatrists. The court will have to make a hospitalization order only when the accused is found to be insane not only when he committed the offence but also at the time of judgment. The date of release from the place of hospitalization will be fixed by a Psychiatric Board, who is presided over by a specially qualified lawyer.

(2) The Law of Evidence Amendment (Protection of Children) 1955, contains provisions which most probably are unique in the world and are regarded as an experiment by the Israeli law-giver. The law prohibits police interrogation and examination in court of children below the age of 14, who were the victims or eye witnesses of sexual offences. It provides for such children to be interrogated in respect of the offence committed on them or in their presence, only by so called "youth interrogators", mostly qualified social case workers, appointed for the purpose by the Minister of Justice upon the advice of a committee of experts. The (hearsay) evidence of the youth interrogator as to the story told him by the child, as well as his opinion as to whether and how far the child is to be believed, is legally admissible as evidence against the accused, but

requires corroboration to incriminate the accused. This law, naturally, was enacted to protect children involved in sex offences from further harm which might be caused to them in the course of police investigation or court procedures.⁴

The Extent of the Crime Problem in Israel

The scope of its crime problem places Israel among the more fortunate countries where crime figures are comparatively low and criminality of a relatively mild character.

The statistical figures show a picture which is not too disquietening despite the fact that Israel is a country of mass immigration. The immigrants are, for the most part, people who, before coming to Israel, suffered many years of oppression. Their families were broken and, as a result, rehabilitation and readjustment, under difficult material and psychological conditions, were required for most individuals, families and some whole groups.

The Extent of Delinquency among Adults

The delinquency rate for adult offenders per 1000 of the population aged 15 and more which had risen in 1953 to 12.0 has since dropped considerably and moved around 11.0. This rate is based on the Totals for Adult Offenders Convicted (where cases of brawls and minor assaults are excluded) during the years 1951-1957⁵ which grew from 8,320 convicted per year in 1951 to 13,736 in 1957. Here it may only be stated that in 1958 3,171 and in 1959 3,215 of those convicted were sent to prison (about 80 per cent for periods of not more than six months) and that Probation was used in 1958 and 1959 in 314 and 387 adult cases respectively. The remaining thousands of cases were dealt with by the other standard methods of punishment, namely fines (in the great majority of the cases) and suspended sentence.

The Extent of Juvenile Delinquency⁶

According to the Israeli law a male juvenile comes under the jurisdiction of the juvenile court from the age of 9 to 16, a female from 9 to 18 years.

In the years 1956 and 1957, 2,233 (including 391 Arabs) and 2,329 (including 516 Arabs) cases were disposed of by the juvenile courts. It may here be stated that while among the adult offenders the number of women is very small (about 2 per cent) it was about 13 per cent among the juveniles where, however, the higher age limit for females (18 instead of 16 years) has to be taken into consideration.

The Treatment of Adult Offenders in Israel Prisons⁷

In Israel, as most probably in most countries of our modern civilization, imprisonment is the method applied most frequently when dealing with the more serious offender. The number of prison sentences in this country was in 1959 about nine times the figure for adult offenders placed on probation. The prison therefore remains for the time being the institution upon which the state places the obligation to keep and treat and—if possible—correct adult offenders, who are considered a danger to the peaceful life of the community.

The Prison Ordinance, 1946, which came into force at the time of the termination of the (British) Mandatory regime, is a piece of generally modern and up-to-date legislation which has remained useful in most of its parts, so that through the addition of a few amendments which were enacted in the course of the years by the Knesset (Parliament) it has become a tool which broadly answers the requirements of a modern prison administration.

The more important amendments are:

1. The abolishment of corporal punishment in prison (1949).
2. The introduction of wages for prison labour (1954).
3. The changing over from automatic release of prisoners after the completion of two-thirds of the term to optional release by a Release Board on which the Commissioner of Prisons is represented (1954).
4. The enactment of a law which empowers the Minister to grant leave from prison to any prisoner for a maximum period of ninety-six hours at his full discretion (1958).

The Prison Commission

According to the Prison Ordinance and Rules—as issued from time to time by the Minister—the Prison System is directed by a Commissioner of Prisons, who, while being in general command of the Service, is assisted by a Scientific Director of the Prison Service, directly in charge of Classification, Education, Medical and Social Treatment, Labour and Research, and a Deputy Commissioner directly in charge of Security, Personnel, Finance and Supply.

The present set-up of the Prison Commission has been recently established to safeguard the double aim which a modern prison service has to fulfill: the protection of society against the lawbreaker and the rehabilitation of the offender in all the cases where this is possible.

Classification as Basis of Prison Work

The functioning of the Israeli prisons is based on the classification of the various institutions according to the needs of correctional work, done along lines of modern social casework treatment and mental health work in general, and those of the various other branches of correctional work such as education, cultural work, vocational training and the creation of ample opportunities for productive occupations, suitable to further the re-socialization of the offenders.

There is no rigid classification of the institutions according to the length of sentence served in them, but there is a maximum security prison where the longer terms (over five years) are generally served.

Prisoners and Prisons and Personnel

On December 12, 1958, there were 1,207 offenders imprisoned in Israel. This figure has not changed very much, and the six prisons, which were established during the course of the twelve years of the state's existence, suffice in a general way to accommodate them all, together with all the facilities necessary for the smooth running of a progressive correctional system. It has, however, to be stated that with the exception of one institution (the semi-open "Maasiahu Camp") none of the prisons was built for the purpose it serves. Most of them were police fortresses which were built in many strategic points of the country during the later years of the British rule. The institutions lack single-cells and are for many reasons not exactly the right framework for the functioning of those corrective methods which are being developed in Israel. Figures for the personnel working in the various prisons are as follows: 460 officers in the six prisons, 90 in the Prison Commission.

Classification of Prisoners

Every prisoner sentenced to three months' or longer imprisonment is brought from the court to the Observation and Classification Center (O.C.C.) of the Service while those sentenced to shorter periods are brought to one of two prisons—one in the northern the other in the central area of the country—which receive those sentenced to very short terms.

The monthly intake of the O.C.C. is about 100 prisoners. All these prisoners undergo social and medical investigations and examinations, performed by competent physicians and social caseworkers. In all those cases where this is found necessary by the medical and social work experts, psychiatric and/or psychological (including psycho-technical) examinations are undertaken.

One full working day of the senior staff serving in the treatment field of the Prison Service, including the Scientific Director, the Chief Physician, the Chief Psychiatrist and the Supervisor of Social Case Work, is reserved every week for the meeting of the Classification Board. During the meeting of the Board, at which the Director of the Prisoners' Administration Department and the senior prison officer in charge of the security aspect of the classification process take part, every case is presented by the social worker who was in charge of the particular investigation and every prisoner is seen in person. The prisoner is heard by the members of the Board in an atmosphere which encourages him to express himself as freely as can be hoped for in such circumstances. In every case a summarizing diagnostical and prognostical statement on the offender will be formulated and a recommendation for the disposal of the case—the prison where he is to be sent, the kind of social treatment he will receive, the vocational and other training he will be given—will be submitted in writing for approval to the Commissioner of Prisons, who, by law, is the final authority to determine the place of imprisonment for convicted offenders.

The Classification of Prisons

The institutions where offenders can be sent are these:

- 1a. The Ramla Prison in the central area is a maximum security prison with a capacity of 260. In the very large building of this institution there are separated from the general prison:
 - b. The Central Hospital of the Prison Service, with 75 beds.
 - c. The Psychiatric Ward with a capacity of 45.
- 2d. The Women's Prison with a capacity of 40. This institution is now housed in a wing of the Ramla prison but will in June, 1960 be transferred to new and bigger facilities.
3. The Shatta prison in the northern area, with a capacity of 200; this is a medium security institution.
4. The Damun prison on Mount Carmel (Haifa area) with a capacity of 210. This is a medium security prison, which may in the future be turned into a minimum security institution.
- 5a. The Tel-Mond prison for young offenders (aged 16-21); capacity 150.
 - b. The Observation and Classification Center is at present housed in the Tel-Mond institution. The Prison Commission is endeavoring to establish the Centre in separate facilities which would also make possible the very desirable enlargement of the institution for the young prisoners.

6. The "Maasiahu Camp", minimum security, capacity 200, is the only institution built for this function. It is situated in open country, amid olive groves, surrounded merely by a light double fence, and consists of a series of one storey buildings with flower beds between, and other gardens with trees and benches, where prisoners can receive their families and friends seemingly unobserved in an atmosphere most conducive to the encouragement and the rehabilitation of the inmates.

Many prisoners and particularly first offenders are sent to this progressive institution at the beginning of their imprisonment. In addition it serves as place of transition to free life for long termers after they served part of their sentence in other prisons and proved to be trustworthy. The transfer to this institution is ordered by the Commissioner at the recommendation of the Classification Board which deals with cases not only at the beginning of their imprisonment but reviews certain cases periodically and deals with others whenever the necessity arises.

Treatment in Prisons

The rehabilitative work in the Israeli Prison Service is done within the framework of the following departments: Health (including Mental Health), Vocational Guidance and Labour, Education and Social Case Work.

a. Health and Mental Health Work Department

The attention given to everything concerned with treatment and rehabilitation finds its expression in the Medical Department. Instead of the one general practitioner who only a few years ago served the whole prison population when its number already neared the 1,000 mark, there are today six full-time physicians charged with the medical care of about 1,200 prisoners. Two of them, including the Director of the Department, are general practitioners, one is a surgeon, another a lung specialist, two are psychiatrists, one of whom—the Director of the Psychiatry sub-Department—is an expert of great experience in the field.

The medical service in the Israeli prisons is not only concerned with acute illnesses and the supervision of general hygiene, but the doctors (and the psychiatrists in particular) together with the social caseworkers constitute a team, which during the classification meetings formulate plans for the co-ordinated treatment of prisoners. According to how this team functions, it may happen that a long neglected ulcer or hernia operation will be decided upon and performed and be accompanied by supportive social treatment. This will help create a good climate for the initiation of a vocational training program which seemed impossible before the medical interference. But most important is not

only the co-operation between the treatment agencies within the prison service but also the readiness of the Health Ministry in general and the District Health Bureaux and Government Hospitals in particular to be helpful. May it only be mentioned that the Director of the Psychiatric Service, his assistant, his psychiatric social worker and three of those attendants who work in the Psychiatric Ward have been paid for years by the Ministry of Health which considers the problem of psychopathic offenders as being partly within their responsibility.

b. Vocational Training and Prison Labour

The vocational training of the prisoners, their productive occupation and the endeavour to make the greatest possible number of prisoners acquire healthy habits of regular work is considered the field where the main efforts should be made to rehabilitate imprisoned offenders in Israel. The population of the country consists at this stage mainly of new immigrants who have come from many countries where, as a consequence of well known historical developments, Jews were mostly not in the habit of working in the agricultural sector or as manual labourers in industry. Those who are sent to prison are mostly those who were unable to make a normal and healthy adjustment to the new situation and its necessities; who are in most cases educationally and socially inadequate, and need more than everything else, understanding and support in the development of the physical, psychological and educational prerequisites for a life of work in a developing society.

Great care is, therefore, being taken to create as many opportunities as possible for productive work, and vocational training in particular. In the various prisons there are workshops or other places of employment, twenty-three in all, where prisoners, while being productively occupied, receive informal on-the-job training. The most important branches are: agriculture, building, carpentry, locksmithery, metal-sheet-work, shoemaking, leather and plastics work and bookbinding. Every workshop has a competent instructor, who is an officer of the prison service. The prisoners receive wages according to a scale of payment comparable to that in other progressive systems.

But the outstanding feature of the Israeli Prison Service are the vocational training courses which are run jointly by the Prison Service and the Ministry of Labour.

The Vocational Training Department of the Ministry of Labour has during recent years developed trade training centres where until now more than 60,000 new adult immigrants were trained in the various trades and prepared for a constructive life in the country. The centers had to be planned and run in such a way as to enable also adult immigrants, who came from underdeveloped countries and lacked basic general

education, to learn a trade in the comparatively short period of about twelve months. The very efficient system developed by the Ministry of Labour seemed to suit also the purposes of the prison administration. Owing to the understanding attitude of the Ministry of Labour and the Director of the Department concerned in particular, the Ministry agreed to establish such centers also in the prisons, and today we have ten workshops in five prisons (two more in a sixth institution are under consideration) where prisoners receive systematic trade training in carpentry, locksmithery, motor car-repair and tailoring workshops. The instructors are employed and supervised by the Ministry of Labour. The courses are complemented by theoretical lectures and visits to factories outside prison. Successful participants receive certificates issued by the Ministry of Labour on which the place of training is not indicated. The certificates entitle released prisoners to apply for membership in the appropriate trade union groups, which again open up the way to life as a member of the working community.

c. Education

On the staff of every prison is an education officer. Despite the scarcity of facilities, and the fact that a great part of the prisoners are short termers so that intensive and systematic educational work can be developed only for a minority of the prisoners, manifold educational and cultural activities are being carried out all the time in the prisons. They are classes in elementary education, courses in Hebrew, Bible and foreign languages, bookkeeping and various other subjects. Then weekly or two-weekly lectures by the Government Adult Education Department, two-weekly cinema performances, and finally sports activities which culminate twice a year in competitions among the teams of the various prisons, when the much coveted cup of the Commissioner goes to the victorious team.

There are also in the six prisons theatrical groups and orchestras which prepare for and perform on the festive days of the year.

The prisons have also more or less satisfactory libraries, which are being enlarged all the time.

While the mentioned activities are found in all prisons, the greatest efforts are made and the best results achieved in the Tel-Mond prison, where the young prisoners, 16 to 21 years old, are placed.

Again it can be stated that the Ministry of Education and Culture and its various departments co-operate fully and are always ready to help financially and to modify their ways of action to assist the Prison Service in establishing and maintaining an optimum of educational services.

d. Social Case Work

The Director of the Department is a competent social case work supervisor, who has a master's degree in her field. According to the staff establishment the department will employ a total of twenty-eight social workers including the director, two case-work supervisors, twenty-one caseworkers in prisons and four after care workers. At present actually eighteen workers are employed, four of them in the Classification Center and two in the after care field, as it is very difficult to find suitable candidates since the demand for qualified social workers is very great in the country. The Prison Service Casework Department is considered by the Hebrew University Social Welfare School suited for the field work training of its students, four of whom receive at present their practical training in the prisons, particularly in the Observation and Classification Center, and the progressive minimum security Maasiah Camp.

The methods of work developed by the social case work department had to be adapted to the particular problems and limitations existing in the authoritative setting of a prison where neither the date of the beginning of the treatment nor that of its termination is under the control of the worker, but are determined by the law and—in part—by decisions of administrative or mixed judicial-administrative authorities.

The social workers, who take part in the diagnostic work done at the Observation and Classification Center, will also carry out in the various prisons those casework and general assistance programs as were decided upon by the Classification Board. There are at present generally two, and in the cases of the youth prison, three, social workers in any one institution. When the social treatment program is being drawn up the small number of social workers has to be kept in mind. In addition, this program not only takes into consideration the necessities and possibilities of the prisoners, but also the duration of their imprisonment. Therefore only a minority of the clients receive treatment aimed at trying to solve deeper lying personality problems. In many cases such basic questions as disturbed relations of the prisoner to members of his family or difficulties in founding and keeping stable employment are dealt with.

The social workers have a few important additional duties, which take up a considerable part of their time, namely, to report and send recommendations to the Commissioner of Prisons in connection with prisoners' applications for home visits or any other social and administrative problems that may arise, and to submit reports and recommendations when the question of a prisoner's release after two-thirds of his term has been served, is brought for decision before the Release Board and the Minister of Police.

After Care and Rehabilitation

Everything done by prison social workers is naturally focussed at the day of the prisoner's release. To protect—as far as this is possible—the preparatory work done in prison the Prison Service co-operated in the establishment of After Care Associations, voluntary agencies to which the Prison Service, and the Probation Service too, can refer suitable cases for further treatment. Such Associations have been in existence for years in the three big towns—Jerusalem, Tel-Aviv and Haifa. Recently branches were established in various smaller places. Two of the Prison Service trained social workers are loaned to the Tel-Aviv and Haifa Associations respectively to help them in their important work. Government grants cover the greater part of their expenses.

Criminological and Penological Research in the Prison Service

Since 1952, when social workers and psychologists were employed by the Service in addition to the medical practitioners, but particularly since January 1, 1956, when the Observation and Classification Center was set up, records of a quality that is being constantly improved are being kept for practically all prisoners who are sent to prison for periods longer than a few weeks. The assembled material, giving details on the social, educational, medical and employment aspects of the prisoners' life, the treatment he received, his recidivism during the years, is valuable information on which research can be based. Since the end of 1959, a graduate of the Departments of Education and Sociology of the Jerusalem Hebrew University has been employed as research assistant to the Scientific Director of the Service. The small research unit will function in close co-operation with the newly established Institute of Criminology of the Hebrew University of Jerusalem.

The Adult Probation Service⁹

As early as 1944, the British Mandatory Government of the country enacted the Probation of Offenders' Ordinance, which made probation for adults legally possible.⁹ But as practically no officers were appointed to administer the law it remained a dead letter until after the establishment of the state, when in 1951 the Ministry of Social Welfare established a separate adult probation service. In 1957, 317; in 1958, 314; and in 1959, 387 adult offenders were placed on probation.

The adult probation service has district offices in the three great towns, Jerusalem, Tel-Aviv and Haifa. The thirty-four probation officers are fully trained social workers, some of them of very high standard. It is the general policy of that service to accept more readily the younger adults, of the 25 to 30 year age group for treatment. The courts are free, with very few logical exceptions, to place any offender on probation. The reported figures show a tendency to make more and more use of probation as a correctional method.

The Treatment of Juvenile Offenders in Israel

The care of the juvenile delinquent is considered in Israel part of the care of the young in general. If the authorities dealing with the juvenile offender until he receives his sentence are those who traditionally deal with the adult offender too—namely the police and the courts of law—the attitudes and procedure used are adapted to the special needs of the young.

Juvenile Bureaux of the Israel Police¹⁰

The police established, in 1959, special juvenile bureaux in the three larger cities of the country, Jerusalem, Tel-Aviv and Haifa. The object of these special units, the personnel of which are specially trained for their particular work, is not only to investigate cases of juvenile delinquency but also to assist parents, guardians and teachers who turn to them for advice and help in dealing with difficult and wayward children. The Inspector General of the Police has issued special standing orders relating to the arrest, searching, investigation, fingerprinting, prosecution and release on bail of juvenile delinquents. Special procedures have also been ordered for cases where young offenders escape from reformatory schools.

The three units have a total of twenty-three officers, whose work has already proved of great value not only in dealing with crimes committed, but also in the field of prevention.

The Juvenile Court¹¹

The procedures of the Juvenile Court are stated in the Juvenile Offenders' Ordinance, 1937, which provides for considerable deviation from the usual procedure in order to safeguard the special interest of the young. Two roving magistrates, one of whom is a trained social caseworker, deal with ninety per cent of all the juvenile cases in the country.

The juvenile court holds its hearings, as far as possible, separate from the regular court sessions. The public may not attend juvenile court hearings and no name, picture, address or any other detail which may lead to the identification of the offender may be published. The procedure is less formal than that of the regular courts so that the young offender can tell his story freely, and may be assisted by his parents or his guardian.

Disposal of Cases

No case involving a young offender can be brought before a court without being referred first for investigation to the Probation Service.

In many instances (thirty-three per cent in 1957) the police, after consulting the probation officer, will drop the case. In the cases where the young offender is charged and found guilty the sentence of the court will not constitute a formal punishment, measured according to the severity of the offence, but a reformatory step suited to further the readjustment of the young offender.

No child up to the age of 14 can be sent to prison, and no young person over 14 and under 16 (girls under 18) shall be sent there if he can suitably be dealt with in any other way. Therefore, sentences of imprisonment are only rarely imposed on persons under 16. Offenders under 18 are protected against life imprisonment.

The alternatives before the juvenile court are therefore generally:

1. To discharge the young offender, to fine him or release him on a bond of good behaviour.
2. To place him under the supervision and treatment of a probation officer.
3. To place him in an institution.

Since 1955, a yearly average of about 1,800 young offenders were brought before the juvenile courts in Israel. By far the greater part (about seventy per cent) were discharged or released on a bond of good behaviour. Next come the figures for probation with about twenty per cent, and lastly the placement in institutions with about ten per cent.

The Juvenile Probation Department¹²

The juvenile probation service, just as the adult probation service, is a separate unit within the Ministry of Social Work. At present forty-eight officers, all of them social workers, are employed in this unit. A close supervisory system guarantees a very satisfactory functioning of the service along the lines of modern casework.

In the initial investigation an attempt is made to assemble all the relevant data which social, psychological, psychotechnical, medical and psychiatric examinations can provide. The probation officer, when summing up the personality and the problems of the offender, will submit a recommendation as to the suggested treatment of the delinquent, probation or otherwise.

At present every probation officer has an average case load of twenty-five of supervisory treatment cases, and fourteen new investigations. In addition he maintains contact with five young offenders who were placed in institutions.

The probation officer makes use of the many community services such as schools, health services, the local general welfare child welfare, and youth labour exchange bureaus, community centers, youth clubs and youth movements and in particular the Youth Trade Training Workshops specially set up in many places by the Ministry of Social Welfare for the benefit of underprivileged and delinquent youth.

The Institutions for Juvenile Delinquents

The institutions are run by a department under the authority of the Ministry of Social Welfare. The Director of the department is authorized to allocate the young offenders to the institution which seems to be most suited to the needs of the young charge.

There are two Observation Centers (in Jerusalem and Tel-Aviv) and seven Homes (five for boys and two for girls) at the disposal of the Director of Institutions, who is also authorized to transfer inmates from one institution to another according to the needs of the case.

In all the Boys' Homes together there is an intake capacity for 340, in the Girls' Homes for 95, and in the Observation Centres for 26. The number of personnel working in all the institutions together is 185.

Release and After Care

The release committee dealing with juvenile offenders, which is headed by a magistrate, may recommend the release of any inmate of the institutions to the Minister of Social Welfare, when he or she seems to be deserving of such a step and when suitable supervision after the release is guaranteed. The Director of the Institutions has under his authority a special after care service which consists of an officer in charge and six field workers.

The juvenile after care service has been successful in creating in the various districts very helpful bodies of volunteers. At present 250 cases are dealt with by this section.

Summary

Summarising, it may be said that the crime problem is not particularly serious in Israel, and that the correctional services are adequate in scope and progressive in character. More suitable facilities for the prisons, the establishment of a parole service, and the development of the adult probation service in the direction indicated in the 1954 amendment of the law of punishment seem to be among the desiderata which await due consideration. But more characteristic than details which may be still lacking in the correctional system of the country is the fact that the general attitude towards the offender and his treatment is

permeated by a human spirit of understanding and constructive endeavour. The fact that capital punishment and corporal punishment were abolished, together with the other amendments to the criminal law—such as the one authorizing the Minister to grant ninety-six hours' leave to any prisoner at his full discretion—bear witness that also in future the penitentiary and correctional system of the country, will in addition to safeguarding the peaceful life of the community by securely isolating the dangerous criminals, further the development of such institutions as will guarantee the constructive treatment of the law-breaker.

- ¹ Israel. Central Bureau of Statistics. *Statistical Abstract of Israel 1958/59* No. 10. Tel-Aviv: Government Printer.
- ² This section is based on the introductory chapter to the report *The Treatment of Offenders in Israel*, submitted in 1955 to the First United Nations Social Defence Congress by H. H. Cohen, Attorney General of Israel.
- ³ *Ibid.*, p. 5.
- ⁴ See also Reifen, David. "Protection of Children Involved in Sex Offences. A New Method of Investigation in Israel". *Journal of Criminal Law, Criminology and Police Science*, Vol. 49 No. 3.
- ⁵ Statistical Abstract of Israel No. 10, *op. cit.*, p. 383.
- ⁶ Compare Mile, Ephraim. "Juvenile Delinquency in Israel". *Child and Youth Welfare in Israel*, 1960.
- ⁷ Hermon, Zvi. "The Israeli Prison Service". Appearing in *The Treatment of Offenders in Israel*, *op. cit.*
- ⁸ Based on a communication for the purposes of this paper by Mr. A. S. Stern, Director of the Adult Privation Service.
See also Horowitz, M. "Probation and the Adult Offender in Israel". Appearing in *The Treatment of Offenders in Israel*, *op. cit.*
- ⁹ Juvenile probation has been in practice for years.
- ¹⁰ Prag, I. L. *The Juvenile Bureaux and the Israel Police*. A report to the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1960.
- ¹¹ Mile, Ephraim. *Op. cit.*
See also Reifen, David. "The Administration and Structure of the Juvenile Court in Israel". Appearing in *The Treatment of Offenders in Israel*, *op. cit.*
- ¹² Mile, Ephraim. *Ibid.*

Les efforts de l'Israël pour établir un système moderne de correction sont décrits ici par le Directeur du Service des Prisons. Le système d'évidence d'une tierce-partie, en ce qui concerne les enfants, est aussi décrit.

Treatment of Offenders in Norway

Norwegian Joint Committee
on International Social Policy

Young Offenders

The special act regarding young offenders over 18 years, *The Educational Treatment of Young Offenders Act of 1928*, is a keystone among educational principles for young law-breakers.

When a person between 18 and 23 years of age has been found guilty of one or more crimes, the court may, instead of condemning him, order that the convicted person be placed in a vocational training school for young criminals. Even a person who is under 18 years may, for special reasons, be sent to such a school. In passing sentence the court may have in view the offender's past record, character and conduct. The court may further assume that the offender needs the educational influence of a training school to keep him from committing new offences, and that this influence will be really effective.

A person placed in a vocational training school may be detained there for two years. He will then be released on parole. When the purposes of the treatment are considered achieved, the delinquent may be released on parole up to twelve months prior to the termination of the two years' time limit. It may also be decided he be detained in the school for a period of up to one year subsequent to the termination of the two years. If a person who has been released on parole does not comply with the general instructions or special terms conditional to his release, it may be decided within two years subsequent to his release that he be returned to the school, in which case he can be detained there for a period up to one year. At present there is one training school for boys, but for girls there is none. The school, which has accommodation for sixty boys, was opened in 1952 under the Ministry of Justice, and headed by a governor assisted by a board. The school has a supervisory council of four members.

Post-war Trends in Juvenile Delinquency

Just before the war juvenile delinquency made up 29 per cent of all crimes committed. During the war this figure rose until it reached a peak of nearly 35 per cent in 1943. There was a decline up to 1950, and since then an increase. The figure has now reached a new peak, and juvenile delinquency, according to the official statistics, is 70 per cent higher than it was in 1950 and also higher than before the last war.

The increase has been considerable as regards thefts of motor vehicles. In 1956 the number of such offences was almost 400 per cent higher than before the war. The increase in the number of motor vehicles during the same period corresponds almost to the increase of the thefts.

The Criminal Courts

The courts are as follows

1. About one hundred County or Town Courts, each with professional judge and with two lay judges chosen by ballot for each case.
2. Five regional Assize Courts, each of which has three judges and a jury of ten.
3. The Supreme Court which has its seat in Oslo, with five judges acting in each case.

The courts deal with civil as well as criminal cases, but the composition of the Assize Court is not the same when dealing with civil cases, and the jury acts only in criminal cases. The jury decides the question of guilt while points of law and the nature of the punishment are decided upon by the judges.

Offences for which, according to the Penal Code, a maximum sentence of more than five years imprisonment may be imposed, are brought directly before the Assize Court. If the accused has confessed unreservedly to his guilt, and the reliability of the confession is considered corroborated by the circumstances otherwise prevailing, the case will come within the jurisdiction of the Assize Court, provided the maximum penalty exceeds imprisonment for ten years. The other cases are first handled by the County or Town Courts. The Assize Court also acts as an Appeal Court for County or Town Court cases, and the Supreme Court is an appeal court in the last instance. It has no power to decide whether the lower court's judgement of the evidence is correct, but it may reverse the decision of the lower court if the law has been wrongly applied or if errors in procedure have been committed, and it may alter the sentence.

Punishments

The usual punishments are imprisonment and fines. All sentences of imprisonment are given for a definite term or for life. The minimum term of imprisonment is twenty-one days, the maximum as a rule is fifteen years, or life. Capital punishment has been abolished except for serious crimes committed in time of war.

Special Treatment

If a crime is committed by an insane or mentally defective person, and it is to be feared that he will commit further offences, the court may order certain security measures to be taken, including commitment to a prison or a special institution for a certain length of time. The Ministry of Justice has the right to order that, where security detention has been imposed, the term of imprisonment shall not be served. The Ministry may discontinue detention and substitute security measures of a more lenient character. The court may extend the maximum period of detention first laid down.

When a criminal has committed a number of serious offences and there is reason to believe that he will continue in this way, the court may order a preventive detention for a maximum length of time. The criminal may be transferred to such detention, when he has served one-third of the sentence imposed. The Ministry of Justice may release the man from detention on parole when the full term has been served, or when the imprisonment and the detention have together lasted at least as long as the term of imprisonment imposed.

Prisons and Detention Institutions

All institutions are administered by the Ministry of Justice.

There are two central prisons, one for men and one for women. To these prisons are committed offenders who have a sentence of six months or more to serve. The prison for men is an old establishment built a hundred years ago but later enlarged and to a certain extent modernized. To the prison is annexed an open camp with about sixty inmates who are engaged in forestry, farm work and road building.

Sentences of under six months are served in eleven regional prisons in various parts of the country. In addition there are fourteen larger and a number of smaller auxiliary prisons and police jails.

There are three institutions for special treatment: one institution for mentally defective criminals, one for security and preventive detention and a vocational training school for young offenders. All these institutions are for men.

There are two establishments for male drunkards and vagrants where such persons may be detained for eighteen months, and in certain cases for up to three or four years.

In the central prisons, in the institution for security and preventive detention, in the greatest of the institutions for male drunkards, and in the asylum for criminals, full time psychiatrists are employed, and social workers are available in all the major institutions.

A committee appointed to examine the question of reforms submitted its recommendations some time ago. These include proposals for a number of building projects within the prison system. Further, proposals have been made for an extension of the system of community treatment of prisoners and the more extensive use of open institutions. It has also been proposed that a better arrangement should be introduced for the classification of prisoners. With regard to treatment, it has been proposed that the manner of employment should be improved so as to provide greater opportunities for vocational training. Further, it was recommended that prisoners should be allowed to work outside the institution, and that home leave should be introduced. It was also proposed that greater opportunities should be given for releasing prisoners on parole, and that efforts should be made for preparing the release properly, for facilitating transition to a free life, and to prepare the ground for an effective system of after care. The proposals of the committee resulted in a new Prison Act of December 12, 1958 which came into force April 1, 1959.

Statistics

The latest available statistics are for the year 1956. The number of persons sentenced (including suspended prosecutions and suspended sentences):

Thefts of motor vehicles	622
Offences against property	2,722
Offences of violence	532
Sexual offences	285
Other offences	391
TOTAL	4,552

The number of men was 4,249, of women 303.

Break-down in percentage according to sex and age:

	Men	Women
Under 21 years	32.7%	30.5%
21 - 25 years	14.2%	10.7%
25 years :	53.1%	58.8%
	<hr/>	<hr/>
	100%	100%

33.7 per cent of the men were recidivists, 15.6 per cent of the women. Of the convicted persons 30.2 per cent of the men (13.7 per cent of the women) were sentenced to imprisonment. 11.4 per cent (8 per cent) were fined, in 31.1 per cent (52.3 per cent) of the charges conditional discharge of prosecution was applied and in 26.1 per cent (26 per cent) conditional discharge of punishment. 0.7 per cent of the men were sentenced to security detention without ordinary punishment and 0.5 per cent were sentenced to be placed in vocational training school.

There has until last year been an increase in the number of sentenced persons. The total number for the following years was

1952 — 4,128

1953 — 3,868

1954 — 3,871

1955 — 4,023

1956 — 4,552

The prison population at the end of the year 1956 was 1,497 (1,449 men and 48 women). Of these 1,128 were serving sentences of imprisonment or were under security or preventive detention, and 369 were detained awaiting trial.

Ce mémoire, préparé par le Comité conjoint norvégien de Politique Sociale Internationale, insiste sur les services pour jeunes délinquants.

The Criminal Code of the Soviet Union and the Correctional Labour Services in the U.S.S.R.: A Short Survey

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Soviet law distinguishes between two systems:

- (1) The Criminal Code of the U.S.S.R. and
- (2) The Law of Criminal Procedure (Trial Law).

This division exists in fact in Soviet legislation and Soviet jurisprudence. Within the framework of the individual federal laws, the Code of Criminal Procedure is applicable.

In this article we shall deal briefly with some problems and aspects of the Soviet criminal law, which constitutes the basis for correctional work in the Soviet Union. The Soviet criminal law has its origin in the legislation of the individual republics as well as in legislation by federal government.

Soviet law does not recognize any precedence cases, and because of this, no Soviet court ever refers to "similar" cases in the practice of the courts but refers solely to the law as contained in the Criminal Code.

Results and findings of practice of court proceedings of the Supreme Court of the U.S.S.R. are published periodically in the various journals of jurisprudence. These findings have no bearing on the practice of the individual courts and no judge is permitted to draw on these findings or to apply the proceedings of the Supreme Court to individual cases under his jurisdiction.

The plenum of the Supreme Court of the U.S.S.R. issues Directives for Application of Laws, and these Directives are the norms for application of law in the courts.

The incorporation into federal law of the U.S.S.R. of new laws which originated in the individual republics in 1959 is enacted by the plenum of the Supreme Court of the Soviet Union.

The jurisprudence of the criminal law deals with various problems and their solutions such as theory and practice of criminal law; criminal

responsibility; etiology of guilt and responsibility; crime and punishment; the aim of punishment; the relation of the criminal law to the moral code of the nation; etc.

Great emphasis is placed upon the problems of combatting "concrete" crimes such as crimes against the person, against the State, and against State or private property.

Many scientists devote their time to the history of criminal law. In this connection more and more attention is paid, by theorists and practising persons alike, to the causes and origin and the prevention of crime, the reduction of length of sentences, and, finally, the liquidation of crime in the nation as well as the rôle the organizations and public agencies (collectives) should play to achieve all these aims.

In the process of the maternal and cultural progress of the Soviet people, large parts of the public take an active interest in combatting crime and criminal associations. Subsequently the crime rate of the Soviet Union is declining sharply. It is perhaps of great interest to note that in recent years nobody has been charged in court for political motives.

Soviet jurists unanimously believe that liquidation of crime is absolutely certain as an ultimate consequence of the final development of communism in our country.

Great attention, at this moment, is paid to the prevention of crimes against society as well as to the ensuing problems of educational measures leading to such prevention.

The head of the Soviet Government, N. S. Chrushev, before a meeting of journalists and writers, in May 1959, pointed out that one should be tender-hearted and sympathetic with persons who have the misfortune to be "seduced by the devil". "We hold" he continued, "that there are no incorrigibles", and he stated that one should believe in the decency of man; one should educate and re-educate him. Mr. Chrushev related that he received a letter from a 30-year-old man who had strayed from the path of rectitude. This man had four previous convictions. Now he had left his family and gone the way of crime—but had not yet committed a new crime and he was hesitating. In his letter he asked Mr. Chrushev for advice. The Soviet Premier invited the author of this letter to visit him, talked with him and said that he believed that the man was serious in his attempt to go straight. Mr. Chrushev assisted him with finding work and a place for his family to live. Upon the man's request Mr. Chrushev had his picture taken with this man. This man now lives an orderly and good life and is very grateful for the help extended to him. Had society been indifferent to his problems, he would have landed in jail again and would have enlarged his knowledge of stealing.

Problems of criminal law and other judicial problems are dealt with in scientific research institutes such as the Institute of Law of the Academy of Sciences of the U.S.S.R., in many law institutes and disciplines of other scientific bodies (academies), and in higher institutes of learning in twenty-four universities, and nine colleges which have faculties of jurisprudence; furthermore in the widely branched-out service of television education.

State research institutes organize such work and individual authors deal with the same problems as well.

Soviet scientists work out new laws for correctional work and the task of determining criminal responsibility (Trial Law).

Thus originated the project for the most important law of the Criminal Code namely *The Legislation of the Foundation of Criminal Law in the U.S.S.R., 1959*, which is a product of the co-operation of learned men and the people who deal with the practice of enforcing the law. This project then was published and exposed to public criticism, and many valuable recommendations and suggestions were received and taken into consideration. Conferences and meetings dealing with problems of criminal law and legislation were held between February and June, 1959, in various large cities such as Tashkent, Tbilisi, and Riga. About 400 to 700 scientific and practical workers in this field took part in these conferences, coming from various republics. These conferences brought about a considerable improvement of the Criminal Code.

In cases of concrete problems of Soviet court practice the advice of Soviet jurists is often heard, but this is of no importance for final administration of the law, and the law only is the regulation of the court.

That most important Law, *The Legislation of the Foundation of Criminal Law in the U.S.S.R., 1959*, was introduced on December 25, 1958, in the Supreme Soviet. It defines in Part I that it is the task of Soviet criminal legislation to protect the social and political structure, the socialist property, the civil rights and the socialist order and law against criminal attempts.

In pursuance of this task this law defines which actions are considered dangerous and criminal, and the measure of punishment for such actions.

It is well known the Union of Socialist Soviet Republics are a confederation consisting of fifteen republics united by free elections and equal in status. Consequently there is a law for the federal republic and criminal codes for the individual republics.

This law introduced on December 25, 1958, and enacted on January 6, 1959, has been enlarged by three further laws.

The *Foundations of Criminal Legislation* (henceforth called briefly *Foundations*) define the principles and the general situation of the criminal law in the U.S.S.R. In detail it refers to the relation of criminal law to other laws, the understanding of what constitutes crime, the purpose of punishment and the way of punishment. Offences against the State as well as military offences are also subject to the laws of the *Foundations*.

Also on the same day a law was accepted dealing with court procedures and trial procedure.

In connection with the principles of *Foundations* a code is issued in every individual republic which contains the statutes of the criminal law of the U.S.S.R.

The responsibility of dealing with the major part of crimes, i.e. not against the Soviet government, and exclusive military crimes, rests independently with the individual republics whose laws enlarge the respective federal laws.

After publication of the *Foundations* in 1958, new criminal law codes were issued and confirmed in 1960 in the Republic of Usbekistan (405,000 square miles—population over 8 million) and in the Kasakh Republic (2,756,000 square miles—population over 9 million). In the other thirteen Republics there are similar projects under study, and it is assumed that the codes will be passed in the near future. Up to such time the laws of 1926 with amendments from 1958 will be valid.

An offence is judged in accordance to the laws of the individual republic where such an offence was committed. In the case of a foreign citizen who commits an offence within the U.S.S.R. he is subject to the laws as per International Agreement (Section 5 of the *Foundations*).

Article 3 of the *Foundations* is of principal importance: it deals with the principles of criminal law. According to this article, a person is criminally responsible and liable for punishment only and is guilty only if he has deliberately or through negligence committed a criminal act. Punishment is meted out by verdict of court only.

Thus only crimes are punished where there has been established malicious intention or forethought or negligence. It is not lawful to charge a person or persons or to punish such persons because of poor character or dangerous disposition of mind, or bad habits, or previous conduct or association with criminals, etc. Only a court can mete out punishment.

If there is no law that covers an act committed (in the legal code) the person or persons who commit the act cannot be prosecuted. The

law stipulates that no person can be charged if a law covering such crimes was not instituted *before* the crime was committed. Article 6 of the *Foundations*, which brought certain increases in punishment, cannot be applied retroactively. On the other hand, a law which abolishes or reduces a criminal act has retroactive effect.

As will be remembered, those persons will be prosecuted who committed a crime either with malicious forethought or by negligence. The *Foundations* as well as earlier legislation do not foresee an "objective interpretation". This is laid down in Article 8 of the *Foundations*.

A crime is called malicious if the person knew or knows about the dangerous character of such a crime and was aware of the consequences of such actions or is an accomplice by knowledge of such a crime.

Article 9 of the *Foundations* distinguishes between two forms of negligence or carelessness: (1) if the person is aware of the act of crime and its consequences *after* having committed the crime, and (2) if the person does not know the consequences of his actions although he should be able to know these.

In the statutes of the Criminal Code we deal mainly with deliberately committed crimes. Only a small fraction of crimes committed are due to criminal negligence (certain types of homicide: assault, etc.).

The verdict has to prove that the "concrete" thought or the criminal negligence existed at the moment when the crime was perpetrated. If it is proved that the offender did not know the serious consequences of his actions due to subjective complaints (illness for instance) he is exculpated by the law.

Article 7 has a great importance in the dealing of the courts with criminal actions. As has been mentioned previously this article deals with crimes against society, against the socialist economic system, State or private property, civil rights or the person of a citizen or in any other way offends illegally against Soviet ways of law and order.

Soviet law defines that a person is no longer punishable for an offence if neither the offender nor the offence constitute a danger to society any more. (First incorporated in the Code of 1925).

Soviet courts have dismissed, therefore, a considerable number of charges of theft of socialist or State property when the amount of the profits of such thefts was not excessive.

Articles 1-10 of the *Foundations* determine what is an offence against the State and in what case a person or persons are responsible and liable for prosecution (treason, espionage, terroristic acts, etc.).

Article 13 of the *Foundations* states which offences that were committed in the interest or in favour of the State are considered as not dangerous to society.

Articles 11-26 deal with other offences against the State: subversive activities with the aim of corrupting national and racial equality, betrayal of State secrets, criminal gangs, smuggling, exploitation of the State Transport System, counterfeit money or documents, obstruction of the public system of transport, etc.

(A translation of the remainder of Prof. Durmanov's paper will be published in the January number of the Journal.)

Le professeur Durmanov brosse un tableau de l'organisation judiciaire de l'U.R.S.S. La fin de son article paraîtra dans le numéro de janvier de la Revue.

The Spanish Penitentiary System

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Spain's traditions in penitentiary matters are of the highest interest because her social institutions have always been based on an outlook that is profoundly Christian, and because the Spanish temperament is one that is naturally out-going and expansive in all human relations.

This spirit was already manifest in the days of King Alfonso X, known as Alfonso the Wise. The *Codigo de las Partidas* (Laws of Castile) published during his reign in 1256-1265 read in part: "Prisons have not been established to punish prisoners but only to detain them until they can be brought to court", and (Law IV, Chapter XXXI, Section VII) the law requires that monthly account be given of the prisoners held, and furthermore sets forth in some considerable detail what the duties of the jailers are, so that abuses and violence may be avoided.

In the year 1564, Bernardino de Sandoval, Grand Master in the Church School at Toledo, wrote a book entitled *On the Care to be Taken of Poor Prisoners*. This is a book of seventeen chapters, each of which advises charity and pity in dealing with prisoners, and charges that judges be diligent in handling the cases of all prisoners and especially of poor prisoners. The Bishops are told that they are under obligation to be the spiritual fathers of the prisoners, who are in acute distress because they are prisoners. Clearly, this book marks the beginning of the so-called "Patronatos de Presos", or prisoners' guidance services, since the help Bernardino de Sandoval recommends is intended to bring moral and material support to the prisoners, both while they are in prison and after they are released.

In the year 1574 Cerdan y Tallada, precursor of penitentiary law, wrote a famous book entitled *A Visit to the Jail and the Prisoners*. Following are some of the precepts set out therein, written in the ancient tongue of Castile:

1. The Keeper of the Prison shall be a man of goodly port and goodly heart, faithful, discreet and industrious.
2. The Keeper of the Prison shall see that there be no disorderly games in the prison, for not only are gambling and blasphemy abhorrent to God, but it is customary for persons given to gambling to stake even the clothes and the nourishment that have been given them for the love of God.

3. The scholars that do close up their ears to shut out the clamour of the poor prisoners should rather greatly fear that when they themselves shall call upon God, they will not be heard.
4. In the prison let there be fit apartments to lodge diverse kinds of delinquents and persons of diverse stations and ages. The prison shall be so constructed that prisoners be not deprived of the light of Heaven, and an open public place shall likewise be provided so that the sun and the air may afford them some relief in their heavy affliction.
5. Likewise, a separate apartment shall be furnished to the women having no communication with the place where the men prisoners are held, in order to avoid the many improprieties that might arise otherwise.

The above quotations clearly show that Cerdan y Tallada assigned special importance to the officer in charge of prisons and that he outlined a basic classification of prisoners with a view to establishing treatment both pedagogical and scientific of prison populations.

There are a number of historical landmarks in dealing with juvenile delinquency: the system for the correction and rehabilitation of vicious and abandoned minors of Perez Herrera (1337); the royal decree of 1875 authorizing the publicist Francisco Castro to build a penitentiary for young delinquents and a house of correction to be run like a home; the statute dated January 4, 1883 requiring a system of correction for abandoned minors thanks to which the Young People's Reformatory at Torrente, the Dos Hermanas Reformatory in Sevilla, the Carabanchel Bajo Reform School in Madrid, and the Totibio Duran Asylum in Barcelona were built.

Still other institutions evidence the same concern with public and private correction of the delinquent.

Humane and Scientific Penal Reform

Two decrees laid the earliest bases for systematic organization in the field, the Decree on Forced Labour Centres dated March 20, 1804, and the Decree on Military Forced Labour Centres dated April 14, 1834.

These decrees regulate the system of forced labour and are based on well-planned regulations designed both from practical and correctional viewpoints, so "as to gain advantages from the work done by the convicts, by training them through work so that while serving their sentences they may become good craftsmen and eventually good citizens".

Rather unusual and noteworthy was the Royal Ordinance of 1804 which established a progressive system "broken down into three periods corresponding to the three groups into which the workers were classified.

No prisoner could go outside the prison until twenty days had lapsed from the date of his admittance and during those first twenty days of incarceration he worked inside the prison and was given Christian instruction".

The three groups into which the prisoners were classified were Peons, Peons with Privileges, and Sailors and Artisans (Chapter IV, articles 6 and 7 of the Ordinance mentioned).

Each of these groups was kept strictly separated from the other two. Communication from one group to another was prohibited. There is no doubt whatsoever that these procedures and norms helped to determine the progressive English system; they provided a marked advance in methods of correction particularly in those remote times when the penitentiary science had as yet scarcely begun.

Great Names in Spanish Penology

The four great names in Spanish penology are Colonel Montesinos, Concepcion Arenal, Rafael Salillas and don Fernando Cadalso.

Colonel Montesinos (1834) was a penitentiary expert of genius, a man with an unmatched sense of the practical. For twenty years, he was the Director of the famous San Augustin Penitentiary in Valencia. As many as 1,500 men serving long sentences for serious offences were frequently under the roof of that prison at one time. Colonel Montesinos succeeded in reforming a great many of these inmates.

When Colonel Montesinos took over the control of the Penitentiary in Valencia in 1836, there were 1,005 inmates who were insubordinate, ignorant and almost naked, who, reckoned with the 340 admitted that same year, came to 1,345 individuals; of this number only thirty-one relapsed; in 1839 there were 1,429 inmates and nine of these relapsed; in 1840 there were 897 and only two of these relapsed; in 1841 there were 1,175 and none relapsed; in 1842, there were 1,977 and no recidivists; in 1843, there were 2,176 inmates and no recidivists; in 1844, there were 1,406 inmates and only one recidivist; in 1845 there were 2,458 inmates and only one recidivist; in 1846, there were 2,152 inmates and two recidivists; in 1847, there were 1,735 inmates and only one recidivist; in 1848 there were five and in 1849 four. We should point out that many of these recidivists were graduates of the bad old convict days while others were men who had not fully served a first sentence.

The methods Colonel Montesinos used to obtain results of such calibre were labour training of inmates with a deliberate and conscious effort to awaken the pride and self-respect of each convict, and his own

intuitive understanding of each man. His creative will soon controlled and organized life within the prison walls. His fame spread beyond the frontiers of Spain itself and from far and wide people came to visit the San Augustin penitentiary. Among the visitors was a commission from England whose members highly praised the work of the great Montesinos.

Concepcion Arenal—we are in and around the year 1820—was a woman of powerful intellect and kindest heart, who devoted her mind and soul to helping unfortunates, the poor, the unhappy, the imprisoned. She was the author of a number of books, among which the most interesting from the viewpoint of correctional rehabilitation was *El Visitador del Preso* (*Visiting the Convict*) and which some penologists have called the "Gospel of the Penologist". In *Cartas a los Delincuentes* (*Letters to the Offender*), she addresses the convicts as brothers, tries to make them understand their offences, and explains that society needs to punish those who break her laws for her own defense and preservation. In terms of sisterly affection, she advises the prisoners to repent and make amends. Her letters seem dictated by the heart of a mother regretting the misfortunes of her children. Her third book, *Estudios Penitenciarios* (*Penitentiary Studies*) is a psychological and pedagogical treatise, analyzing the problems involved in getting to know and gain the trust of the delinquent and getting him to help himself.

She took part in several penal congresses held in Rome, St. Petersburg, Antwerp and Paris, and there gained triumphant praise. Her reports bore the stamp of her genius and saintliness. For twenty years she visited the jails, and on these visits always left behind her the balm of her gentle and compassionate wisdom. Her works have been translated into most foreign languages, and those dealing with penal problems are now being used as texts in various penitentiary schools.

Don Rafael Salillas (circa 1903) was a famous anthropologist whose work merited high eulogy from Lombroso and Ferri. He founded the School of Criminology of the University of Madrid in 1903, and professors from the central university became members of his staff.

This training centre was one of the first set up in Europe to train prison officials.

Mr. Salillas published a number of books, all of which were extremely valuable in the study of criminology and penitentiary systems. Two of them were called *Convict Life in Spain*, and *The Development of the Penitentiaries in Spain*. He also wrote a number of pamphlets on the life of the lowest social classes. He devoted his whole life to the study of criminology. His career as a doctor, his broad and thorough knowledge

of anthropology, his brilliant work as an analyst and in the practical field—for a time, he was Director of the Prison Celular (prison for persons held in solitary confinement) in Madrid—made of him an outstanding research scholar.

Don Fernando Cadalso (1921), Doctor in Civil and Canon Laws, Social Sciences, Philosophy and Letters, held the post of Inspector General and in 1928 became Director General of Prisons. He was familiar with life inside the penitentiaries to the last detail and published the following works: *Dictionary of Penal Legislation*, *Penitentiary Studies* and its companion volume *Principles of Colonization and Penal Colonies*, *Sentences to Deportation and to Terms in Penal Colonies*, *Anarchism and How to Control It*, *Memoirs of a Prison Cell*, *Courts, the Sentenced and Prison*, *Washington and the United States and the Latin Race and the Saxon Race in American Colonization*.

He greatly contributed to prison organization and management in all its phases by his example and his industry.

These four pre-eminent leaders, Montesinos, Concepcion Arenal, Salillas and Cadalso, brought humane and scientific direction to the running of prisons in Spain, brought reform and training within their walls, and placed wardens in the class of specialized teachers whose mission had a touch of the apostolic. They adapted Spain's traditional outlook in penal matters to the needs of their day, elaborating doctrines for the study of delinquency and its rehabilitation.

The Penitentiary System in Spain and Rehabilitation of Prisoners

The general principle governing the Spanish penitentiary system may be stated in this way:

1. Specialized training of all officials at all salary levels in the School of Penitentiary Studies, which took the place of the old School of Criminology; training takes from six to nine months and is given by university professors and penitentiary officers selected for their competence and experience. The courses range from the science of the penitentiary system, criminology, penal law, experimental psychology, criminal sociology, mental and penitentiary hygiene to correctional pedagogy, accounting, professional ethics and their practise in different prisons.

2. Institutions that permit classification and segregation:

- (a) the Central Women's Prisons, sub-divided into the Prison for Hardened Offenders, Reformatory Prison, Central Prison for Offenders under Common Law, Penitentiary Prison, Psychiatric Clinic and Tuberculosis Sanatorium;

- (b) the Central Men's Prisons, sub-divided into Central Prisons for Youths from 17 to 25 years or Reform Schools, Prisons for Men from 25 to 32 or Reformatories, Prisons for Men aged from 32 to 60 or Correctional Institutions either industrial or agricultural, and the Prisons for Men over 60 or Old Men's Penitentiary Asylums;
- (c) prisons for the treatment of offenders who are under medical care: the Tuberculosis Sanatorium Penitentiary, the Psychiatric Sanatorium Penitentiary for drug addicts, alcoholics and deaf-mutes;
- (d) prisons specializing in rehabilitation such as the Central Observation Prison for offenders over 45 sentenced to a term longer than three years, subsequent to psychiatric and physiological tests;
- (e) work centres outside the prison walls where offenders sentenced to short terms and whose conduct is good may work under mild supervision. These centres have been operating for over twenty years.
- (f) prisons set apart on the basis of the offence, such as the Prison for Political and Social Delinquents, and the Central Prison for Offenders against the Common Law (where a distinction is made between offences against modesty and offences against persons).
- (g) prisons intended to confine those offenders undergoing penitentiary terms who may become recidivists, such as the Central Prison for Hardened Offenders, which is intended to protect the public against perverted persons, vagabonds and habitual criminals; the Central Prison for Maladjusted Persons which confines persons found to be dangerous to the public by the courts or by the penitentiary administration.

3. Classification of inmates according to their individual moral standards and the nature of their offence.

4. Certain elements contributive to reform such as rational and persuasive discipline, work that is instructive and moral, intellectual and religious instruction that is enlightening and tempered, as far as possible, by a warm and humane approach designed to meet the prisoner's individual needs.

The manner in which these principles are applied depends on the report on the psychological and physiological condition of the prisoner, made out at the time he is admitted.

5. The Patronato de Nuestra Senora de la Merced furthermore, with offices in every provincial capital and town, extends moral and material support to all prisoners once they are released.

6. Sentences, whether involving longer or shorter terms, prison or hard labour, are graded into four periods, namely,

- (a) First, a fifteen to thirty day period spent in solitary confinement, with the prisoner under constant observation and being readied for the
- (b) second stage, when he works in the company of his fellow prisoners. At this stage, inmates are sent to workshops, farms and penal settlements.
- (c) The third stage involves the social rehabilitation of the delinquent, when he is prepared for living in society upon his release.
- (d) The last stage is the stage of probation when, freedom regained, the prisoner resumes normal life under the guidance of supervisory officers.

To graduate from one stage to the next, the prisoner must be of good behaviour; otherwise he may find his period of detention extended.

Perhaps the most outstanding feature of the Spanish penal system however, is its Redemption of Penalties system based on the physical and intellectual effort at self-rehabilitation made by the prisoners themselves.

This system was set up under the Decree of May 29, 1937, confirmed under Departmental Order dated December 14, 1942 and incorporated into the Penal Law under the Statute of July 19, 1944, and extended to political and other prisoners.

Applying the System

Further to the above provisions all inmates, political or otherwise, may redeem themselves: political prisoners on condition their conduct is good, but the others must meet certain conditions. By the others, we mean ordinary prisoners, and their conduct must be exemplary and they must have served two years of their sentence and not have had a previous sentence remitted. Their names must be put forward by the management of the prison and their application approved by the Patronato,—the prisoners' aid organization described earlier. The Director General of Prisons is President of the Patronato and the members are Justices, one civilian and one military, a Senior Police Officer, the Inspector General of Prisons and the Chaplain of Penitentiary Establishments.

The system works this way: in the case of political prisoners, one day's work means one day's remission. In the cases of ordinary and hardened offenders, two days' work means one day's remission. Prisoners who are ill, nursing mothers, mutilated prisoners, old people may obtain remission through exemplary conduct and careful attention to the text that is read to them for an hour and a half every day, with rest periods during which the text is explained to them.

The days, months and years spent in prison are reckoned towards conditional release. An inmate sentenced to twelve years, for instance, has to serve nine before he can claim provisional release but he can obtain remission—paring down the term to six years—by the requisite number of days' work.

Special remissions are granted for acts of outstanding merit such as donating blood to a sick comrade, helping the officials restore authority, defending the interests of the state, as occurred recently in a penal settlement near Madrid when the prisoners prevented vagrants carrying off the cash in the safe.

Inmates, to be put on parole, must satisfy two requirements: they must have elementary school instruction and they must have had religious instruction. Persons over 50 and the mentally deficient may be excused the first but all must have religious instruction. This is most important in training prisoners to read and write and in ensuring they get a Christian education.

Remunerating the Work of the Prisoners

The prison worker receives the same daily wage as does the ordinary workman in the town or country where the prison stands, and has the same privileges. The daily wage ranges from 500 to 600 pesetas a month (a peseta is about one and a half cents in Canadian funds) and is subdivided as follows:

Grant to cover the prisoners' daily needs	9 pesetas a day
Grant to supplement the food ration	9 pesetas a day
Grant for the wife or parents	6 pesetas a day
Grant for children under 16 and handicapped children over 16	2 pesetas a child
Deduction for savings account	50 pesetas a month

Principles of the System

This system realizes all purposes of the penal system:

1. the punitive purpose, for even though working under humane conditions, the convict cannot but suffer because he is deprived of his liberty and so labours under bonds fettering his heart and spirit;
2. the penitential purpose, for the convicts are working solely to contribute to the betterment of the social community, are performing work that is useful both to themselves and to their fellow human beings and this is particularly the case when they are building roads, railroads, harnessing natural water-power, etc.;

3. the correctional purpose, for through his work the convict acquires true dignity, becomes a better person morally and is trained to adapt himself to life in society;

4. the social purpose, for this system protects society.

Obviously if the convict learns a trade or improves his own trade, he does not lose the habit of working and this is most useful once he leaves the prison walls behind him.

5. Another end realized under this system is the crystallization of filial or conjugal love, for it is the reward for his work that he sends regularly either to his wife or to his parents.

This is an aspect of our penitentiary system which is vitally important because it strengthens those family bonds which a criminal offence often threatens and often actually destroys.

Though physically far distant from the domestic hearth, he is yet ever present in spirit through the payments he sends home. He may not be a citizen any longer, but does not for that reason cease to be a father, a son or a husband and it is as though the good that he is thus doing washes away all traces of the evil committed; his relatives have eyes only for the help that he is sending them, that has been gained under such very hard conditions, and so forget the evil for which he was responsible and think of him only as some one unhappy, some one absent. It is essential that the severity of the lash of justice which he feels across his back should be tempered by the gentleness of family love. His family is an essential element in the morality of the prison inmate and when he maintains his family while serving his term, he also retains his dignity as a man. He remains, in a sense, the head of his family and though he is not with his family, still his family call him father, husband, son and we all know, moreover, that love feeds more upon what it gives than upon what it receives. The delinquent whose affections are pure is already half rehabilitated. His mother will always love him, though the world view him with horror and contempt. In this mystery is the sublime relationship between infinite pain and infinite devotion, heart of Divine mercy. No affection can feed entirely upon itself however, and that is why it is essential that convicts maintain their families with the result of their work.

Experience over the past twelve years amply demonstrates the real value of the principles governing the Spanish penitentiary system. Some features should be given special attention such as the remission of sentences through work, a system which has led to the virtual extinction of the heavy sentence.

Modern penitentiary science has sought to enforce what we might call the indeterminate sentence, a sentence indeterminate either at the time the courts decide the sentence, or a sentence which becomes indeterminate in the penal establishment where it is served. In our view, the sentence should become indeterminate in the prison itself for only the prison officials are in a position to know whether it is safe to release the prisoner or not. The trained, professional officer is like the bedside physician—only he is in a position to decide whether or not the patient may resume normal life in society.

We, in Spain, feel we have come nearer to reaching this goal than have foreign nations.

Significant Experiments in Penitentiary Work

In 1923, in the Dueso Penitentiary Colony in Santona, a most unusual experiment was carried out. The Atheneum Club in Santander made a gift of a flower-pot, containing a plant, to each one of the 334 inmates, most of whom were serving very heavy sentences. The idea was to eventually give prizes to those who took the greatest care of the plants, in their cells. So unexpectedly successful did the idea prove to be that the newspaper *El Atalaya*, published in Santander, published an editorial on November 6 of that year, reading in part: "The prisoners took the most zealous daily care of their plants, and were quite amazed to find their efforts rewarded by the gift of beauty". Another newspaper, the *Noticiero* in the town of Santona felt this competition inspired by the very spirit of the Gospels.

In September 1929, 300 convicts serving life sentences were allowed to leave the prison, without supervision in order to pay their tribute to the Chief of State, General Primo de Rivera.

This is the description of the event which appeared in the newspaper *Luz*: "General Primo de Rivera visited the Penitentiary Colony of Dueso, because he wanted to see for himself how the inmates lived. When the Director learned of the General's plans, he told the convicts and advised them to show the greatest respect to their illustrious visitor. They themselves begged the Director to let them leave the prison walls to pay their tribute. The Director hesitated a moment, but being a man who knew the psychology of prison inmates very well, he agreed. The 300 convicts, marching behind their drummers, filed out of prison, marched along the highway in perfect formation and lined up for inspection by the General, and his party among whom were a number of ambassadors.

"As General Primo de Rivera entered the prison, he noticed the long rows of men and wondered who they were. The Director replied that they were the convicts and they had begged permission to pay their tribute outside the penitentiary walls.

"The President then said: 'How is it possible that these men can be the convicts?' and truly moved, he spoke to them in praise of their conduct and promising a pardon which he did grant some time later.

"Then, turning to the Ambassadors, he proudly said: 'Gentlemen, I believe you would see such a sight only in Spain' and the Ambassador whom he had more particularly addressed replied: 'What we have seen here today, sir, in my country, would be known as a miracle'.

"The visitors—military leaders, ministers, provincial and local authorities—climbed into their cars and drove off and the convicts returned to their prison, each to his own cell, as they had given the Director their word of honour they would do."

The Son of King Alfonso XIII, Don Juan Borbon y Battenberg Visits the Dueso Penitentiary Colony

One evening in the month of September 1929, the Infante Don Juan de Borbon and a retinue of some forty distinguished persons visited the Dueso Penitentiary colony. They visited the workshops, the school, the infirmary and the Prince chatted with the inmates, shaking hands with them with that winning charm of a lad of eighteen. Finally, he and his party went into the patio where some 500 inmates were lined up in formation. The Director presented His Royal Highness the Prince, and all were moved to tears, the men because they had never expected so distinguished a visitor, and the Prince to see men in such plight. As the party left to ringing cheers of "Long live the King", "Long live the Prince", doves adorned with the ribbons symbolizing Spain's national colours, took wing from the cell windows. Persons present felt they had never witnessed so moving a scene. Accounts of this stirring visit may be found in the *Revue Internationale de Paris* for December 1929, in the *Diario Montanes*, the *Pueblo Cantabro*, *La Atalyaya*, all Santander newspapers of that same period.

L'histoire de la réforme pénale en Espagne est décrite ici, ainsi que les principes qui régissent le programme des prisons modernes. On insiste sur la rémunération que reçoivent les prisonniers pour leur travail. Cette rémunération sert à soutenir leurs familles, maintenant ainsi leur rôle de gagne-pain.

REACHING THE FIGHTING GANG. New York City Youth Board. New York: 79 Madison Avenue, New York 16, 1960. pp. XVIII+305. Price \$3.00.

American literature contains several excellent studies of the delinquent and anti-social gang starting from Turasher's classic study in 1927. This story of the work of the New York City Youth Board also deserves a place among the important landmarks in gang literature. But it is in fact much more than a study of the gang. It is also a very modest and sensitive description of how the street club workers employed by the Board have tackled a social problem of quite exceptional difficulty.

The book, to which Professor Glueck has written a foreword, is the work of several authors, prepared under the editorship of the Deputy Commissioner of Youth Services for the Board. It falls very broadly into two parts: an analysis of the behaviour of anti-social teenage gangs and of the conflict between these gangs, and second, an account of the methods used by the Board's workers, illustrated by case material.

While it is true that the Board, through its Council of Social and Athletic Clubs—to give the work with these street gangs its correct title—has no exclusive monopoly of this method of working, the fact remains that it has developed and refined the basis of work and the methods of administration. A glance at the appendixes in this volume, for example, shows how very carefully the Board has organized the methods of record-keeping and of supervision through which the achievement of the street club workers and their progress with the gangs is assessed.

What, in effect, is the relevance of this book for Canadians and indeed for all countries troubled by juvenile delinquency in their large cities, though more fortunate than New York in not having experienced the violence and the conflict which the New York gangs so clearly demonstrate? The relevance surely lies in the approach of the workers to their job. This study brings out well the workers' need for a thorough knowledge of the culture of the gang, its customs, its traditions, its language, its meeting-places and its inter-gang conflicts. It shows too how complex is the method adopted by the workers of building up a relationship with the gang, of gaining the confidence of the members, and above all of achieving some measure of change in their behaviour.

The method requires the use both of case-work and group-work skills. But it requires more than this. It requires some considerable ability to take part in the gang's recreational activities as well as an

emotional maturity which can accept the conflict for the worker arising from membership in two contrasted cultures. The worker needs both the confidence of the gang and the confidence of authorities such as the police. On page 137 there is a vivid description of a worker's explanation of his methods to a gang.

This is a book to be warmly recommended to everyone working with the teenage delinquent whether inside or outside an institution. He cannot fail to learn from the abundance of practical experience which is so aptly used to illustrate the methods of the Board. This experience is well recorded and is a fine testimonial to the sincerity and character of the staff.

JOHN SPENCER

University of Toronto School of Social Work.

UNDERSTANDING JUVENILE DELINQUENCY. By Lee R. Steiner. Philadelphia: Chilton Co., 1960.

According to the dust jacket on this book, Mrs. Steiner's previous publications include *Where Do People Take Their Troubles? A Practical Guide for Troubled People*, and *Make the Most of Yourself*. For the last thirteen years Mrs. Steiner has also produced and moderated a program called "Psychologically Speaking" for Radio WEVD in New York—a program which has three times won the Ohio State Award for Educational Radio and Television. Evidently, then, she has specialized in presenting popular and easily-intelligible accounts of the problems of personal adjustment for the larger, non-professional public.

It would be hard to find fault with the aims of such an enterprise. Not only does it serve the generally desirable end of disseminating the results of scientific research and (less surely) communicating the mood and temper of the scientific outlook, but it may also assist in the development of that condition of public sympathy and awareness on which the success of our professional effort to a large extent depends.

Unfortunately, Mrs. Steiner has not brought it off in *Understanding Juvenile Delinquency*. The thirteen chapters of this book, with self-consciously folksy and down-to-earth titles like "Why Some Kids Go Wrong" and "Are the Kids Really So Bad?", display no recognizable line of exposition or continuity of thought whatever. They are a compilation of discursive and circumstantial talks about juvenile delinquency, probably based on the successful but inappropriate model of the author's own radio program.

No doubt it could be claimed that it would be unreasonable to expect the lay reader to submit to the discipline of following an organized argument or mastering the intricacies of a technical vocabulary. But to say this is to define the problem for the writer who seeks to popularize. To assure oneself that it can be done it is only necessary to consult the adroit and, in its own way, distinguished work of Sara Harris and Jean Evans, or in a different field, that of Ritchie Calder. If it comes to that and one wants an example of stylistic elegance and intellectual clarity, there is always Freud himself.

Any consideration of Mrs. Steiner's deficiencies in the delicate art of simplification, however, must take second place to the doubts she raises in the reviewer's mind about her own understanding of juvenile delinquency. In Chapter Three, for example, she appears to attribute an unspecified but substantial part of juvenile delinquency to childhood schizophrenia—a judgment which surely runs counter to the workaday experience of most corrections personnel. In discussing psychopathy (Chapter Five) she shows no awareness that there are other views of the matter than the one to be found in Cleckley's controversial and resolutely pessimistic *The Mask of Sanity*. And in making numerous (and often well founded) aspersions on the pretensions of social workers, she should at least get it straight that the recent curriculum study of the Council on Social Work Education, far from celebrating the psychoanalytic approach, suggests radical methodological and theoretical modifications to it. It may not be necessary for a popularizer to be a major scholar in his field, but he should be alert to its significant controversies.

There are some good things in *Understanding Juvenile Delinquency*. There is a refreshing willingness to confess our common ignorance of the subject; there are attacks on the abuse of jargon (though people are always selective about this—Mrs. Steiner has her own brand); there are no particular doctrinal hobby-horses in sight; and the book is informed with humane sympathies. But the author has set herself a difficult task, that of addressing two audiences at the same time: and I fear she has failed to give satisfaction to either. Byron is said to have remarked that easy writing makes damned hard reading. Mrs. Steiner needs to learn that easy reading requires some damned hard writing.

ADRIAN MARRIAGE

*School of Social Work,
University of British Columbia*

DEUTSCHE STRAFRECHTSREFORM IN ENGLISCHER SICHT
(German Criminal Law Reform from the English Viewpoint). By
Hermann Mannheim. Muenchen & Berlin: C. H. Beck'sche Verlagsbuch-
handlung, 1960. pp. 140.

Professor Mannheim is well known in Canada as the co-founder and co-editor of the *British Journal of Delinquency*. His many publications take an important place in the criminological literature. He also will be remembered here by his address to the Canadian Congress of Corrections in Montreal and his Seminar in the Toronto Juvenile and Family Court in 1957.

The publication under review is based on addresses delivered by Professor Mannheim on various occasions in Germany. The title is somewhat misleading since it refers more or less only to the first chapter, *Considerations on the Design of a General Part of a Criminal Code*. The other three chapters: (*The Correctional Treatment of Young Offenders in England, The English Probation System, and Some New Developments in Criminological Research*) would warrant almost the reverse title since they deal predominantly with the developments in English criminal law and corrections tailored to the German situation and a German audience.

Whereas Chapter One is difficult to evaluate without a sound knowledge of German criminal law, the second chapter contains a number of important observations on the treatment of young offenders. One example concerns the powers of the judge or magistrate to impose sentence on the 16-to-25 age group. Although in practice the age of the offender is given consideration by most judges, there are no statutory limitations or directives to provide a certain unity in sentencing. Viewed from the British and German scene it seems that all too much is left to the discretion of the judge and that legislators here in Canada have avoided doing some serious thinking in this regard. A like conclusion may be drawn about the issue of probation treated in Chapter Three. The final chapter deals predominantly with the use of prediction tables and the need for more operational research in criminology aimed toward assisting judges and correctional workers in the classification of offenders in the growing complexity of correctional institutions and methods.

The predominant value of this book lies not so much in the factual account it gives but in the discerning cross-cultural thinking which stimulates the reader to consider approaches and viewpoints different from his own.

J. W. MOHR

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ESSAYS IN INDIVIDUAL PSYCHOLOGY. By Kurt A. Adler and Danica Deutsch. New York: Grove Press, 1959. pp. xvii+480. Price \$3.15 (Evergreen paperback).

This volume of essays has been published in commemoration of a decade of community service by the Alfred Adler Consultation Centre and the Mental Hygiene Clinic in New York. Since the essays, about fifty in number, are an attempt at contemporary application of Adlerian theory most of the authors were, at one time, Adler's students or co-workers. The essays collected have been rather loosely organized under the following headings—philosophical concepts, theoretical principles, psychotherapeutic procedures and case histories (about fifteen). There is also a concluding section on "Adler and the Future of Ego Psychology" by R. W. White, one of the few non-Adlerians represented.

Those familiar with Adler's works or with the current literature of individual psychology will find little new in these essays as the majority have appeared in recent issues of Adlerian journals. Nevertheless those not committed to Freud will find this volume a welcome relief from the spate of psychoanalytic works commemorating the centenary of Freud's birth.

Up to the present time the Adlerians have been a small, rather unprolific group and their reticence has been somewhat out of keeping with psychoanalytic tradition. Their theories and practices have not evoked the opposition and controversy which have come to characterize the pronouncements of the Freudian school. However, it is obvious from this volume alone that many Adlerian concepts have subtly permeated psychological thought. Concepts such as inferiority complex, style of life, organ neurosis and masculine protest have gained permanent places in psychological thinking and in common-sense psychology.

If the present volume is representative of their work then contemporary Adlerians have not moved very far from Adler's original postulates. Several articles are merely re-statements of Adler's ideas. The slight theoretical advances could be over-looked if vigorous efforts had been made to obtain empirical support for some of the constructs in individual psychology. Such efforts have not been made. Much of the so-called "research" in Adlerian psychology follows the paradigm—quotation from Adler—interpretation of new concepts or casual observations in terms of Adler's concepts—conclusion that Adler was right.

Despite the meagre theoretical and empirical advances made by Adler's followers this book contains some interesting material. An excellent essay by Ansbacher makes a valuable comparison between Freudian and Adlerian psychology. There is also a clever re-interpretation of the

Oedipus myth in terms of the Adlerian concept of organ inferiority. In addition the case histories are among the most interesting in the literature of clinical psychology. Unfortunately no attempt has been made to provide re-interpretations of all of Adler's concepts. Those interested in corrections will be disappointed to find that Adler's challenging statements about delinquency, criminality and addictions receive little mention. This collection of essays may, however, be of interest to those who wish a brief overview of contemporary individual psychology without the travail of searching Adler's widely scattered works.

REGINALD SMART

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DRUGS AND THE MIND. By Robert S. DeRopp. New York: Grove Press Inc., 1960. pp. 310. \$2.10 (paperback).

Biochemist Robert S. DeRopp presents in this informative and highly provocative book, a comprehensive description of many of the drugs used by both primitive and modern man in his search for artificial euphoria, an outline of the history of their use, and an account of their effects on man's emotions and behaviour.

In describing these effects of the opiates, stimulants, and barbituates, considerable historical, anthropological, physiological and psychological material is presented, and interesting introspections from writers such as Baudelaire, Havelock Ellis, Gautier Huley who used these drugs are frequently included. A somewhat superficial description of alcoholism and drug addiction is included, and a critical examination is made of many of the popular notions concerning the evils and dangers of the latter disease.

The remainder of the book is devoted to a review of the progress achieved in the treatment of mental illness through the use of such chemical agents as reserpine, largactil, meproamate, amphetamine, L.S.D., and dilantin. The author's suggestion that mental illness "must be a result of a break-down in glandular harmony" is elaborated in the chapter "Chemistry of Madness" in which he portrays skillfully some of the evidence supporting the hypotheses of such researchers as Osmons and Smythes, Poloni, Stockings and Hoffman.

Drugs and the Mind is a paper-back reprint of the first edition published in 1957. In this new edition little revision has been made, but several brief accounts of drugs, recently developed for therapeutic use, have been appended.

DeRopp's engrossing material and masterful literary skills should make this a compelling book for the layman who will find in it a wealth of information on somewhat technical subject matter competently discussed in an intelligible and lyrical manner. Professional personnel involved in the study and treatment of drug addiction and mental illness will also find much of value in this book, although they may object to the author's literary dramatics, and his failure to supply adequate documentation for many of his interpretations and conclusions.

Toronto

R. R. Ross

PROBLEMS OF ADDICTION AND HABITUATION. By Hoch & Zubin. New York: Grune & Stratton Inc., 1958. pp. 250. Price \$6.50.

This book comprises a series of papers representing different disciplines ranging from the punitive to the therapeutic presented at the forty-seventh annual meeting of the American Psychopathological Association held in New York City in February 1957. The majority of the papers deal with drug addiction and alcoholism, but the range of coverage was expanded to include problems associated with coffee and pica. The scope and depth of the papers vary greatly from statistical surveys, to discussions regarding etiology and treatment, to theoretical discussions of the addictive personality, to discussion of experimental psychology and pharmacology. While there is a lot of useful data in these articles for people who are interested in this particular aspect of illness, the main need this book points up is for the organization of this material in a way which will broaden the narrowed views of people limited to their own aspects of the field and to stimulate new approaches through research to treatment.

Dr. K. M. Bowman points out that in the past many problems have been treated by the legal and moral approaches which rather than help have further complicated the situation. However, when recognition of the problem as an illness was attained and a medical approach adopted there was a marked improvement. This has been true of mental illness, venereal disease and alcoholism and there are beginnings of change in attitude toward sex deviation which should help to deal with this problem in a more humane manner. Likewise there is great need for changes in attitudes toward drug addiction and for taking it out of the hands of the punitive minded and putting it in the field of medicine. The identification of this need can be aided greatly by an exchange of information such as took place at this conference.

In my opinion this book would be valuable reading for lay and medical people interested in the problem of addiction and mandatory for those who are working in this particular field.

Toronto

JOHN S. HOLMES

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